

Text Amendment Application No.
Boston Redevelopment Authority
Roxbury Neighborhood District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article __, the following article:

ARTICLE 50

ROXBURY NEIGHBORHOOD DISTRICT

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Table A

	Economic Development Areas						Neighborhood Shopping Subdistricts		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts					
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above				
Accessory family day care home	A	A	A	A	A	A	A	A	F	
Accessory home occupation	A	A	A	A	A	A	A	F	F	
Accessory industrial use	F	F	F	F	F	F	F	F	A	
Accessory keeping of animals	C	C	C	C	C	F	C	F	C	
Accessory keeping of laboratory animals	C	C	C	C	C	F	C	C	A	
Accessory machine shop	F	F	F	F	F	F	F	C	A	
Accessory manufacture of products	F	F	F	F	F	F	F	F	A	
Accessory office for university	C	C	C	C	C	F	F	C	F	
Accessory outdoor cafe	A	A	A	A	A	C	C	F	F	
Accessory parking ⁵	A	A	A	A	A	A	A	A	A	
Accessory personnel quarters	A	A	A	A	A	A	A	F	F	
Accessory professional office in a dwelling	A	A	A	A	A	A	A	F	F	
Accessory railroad storage yard	F	F	F	F	F	F	F	F	F	
Accessory repair garage	C	F	C	F	F	C	F	F	A	
Accessory scientific laboratory	C	C	C	C	C	F	C	C	C	
Accessory services for apartment and hotel residents	A	A	A	A	A	F	F	F	F	
Accessory services incidental to educational institutions and hospitals	C	C	C	C	C	F	F	C	C	
Accessory storage of flammable liquids incidental to lawful use	A	A	A	A	A	A	A	A	A	
Accessory swimming pool or tennis court ⁶	A	A	A	A	A	A	A	A	A	
Accessory truck or bus servicing	C	F	F	F	F	F	F	F	C	

Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
Greater Roxbury		Dudley Square		Shopping Subdistricts			
Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		

Accessory and Ancillary Uses (cont'd)

Accessory use ordinarily incident to a main use	A	A	A	A	A	A
Accessory wholesale business	C	C	C	C	F	A
Ancillary use	C	C	C	C	C	C

1. The requirements of St. 1956, c. 665, S.2, where apt, are met.

2. If allowed, provided such Research and Development Use is subject to the Guide for the Care and Use of Animals of the National Institute of Health, the Animal Welfare Act and other federal regulations pursuant to the act, and the Public Health Service Policy on Humane Care and Use of Laboratory Animals, otherwise conditional.

3. If such use is allowed, it shall be conditional if merchandise is sold or displayed out-of-doors or such establishment is open to the public after midnight or before 6:00 a.m.

4. Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.

5. If such use is located in the restricted parking district, it shall be a conditional use which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3, and 6-4. However, parking accessory to a Residential Use remains an allowed use.

6. Provided that it is more than four feet from every lot line, and in the case of a swimming pool, that it is protected by a six-foot high fence with a gate which is locked from the outside, and that if the pool is within ten feet of a lot line, the fence is concealing to a height of at least six feet.

Table B

Roxbury Neighborhood District
Residential Subdistricts Use Regulations

	Two Family	Three Family	Rowhouse	Multifamily Residential	Multifamily Residential/ Local Services
<u>Banking and Postal Uses</u>					
Automatic teller machine	F	F	F	C	C
Bank	F	F	F	C	C
Check cashing business	F	F	F	C	C
Drive-in Bank	F	F	F	C	C
Post office	F	F	F	C	C
<u>Community Uses</u>					
Adult education center	C	C	C	A	A
Community center	C	C	C	A	A
Library	C	C	C	A	A
Place of worship	A	A	A	A	A
Residence for members of religious order	A	A	A	A	A
<u>Cultural Uses</u>					
Art gallery	F	F	F	C	C
Art metal craft shop	F	F	F	C	C
Auditorium	F	F	F	C	C
Museum	F	F	F	C	C
Music store	F	F	F	C	C
Musical instrument repair	F	F	F	C	C
Public art, display space	F	F	F	C	C
Studios, arts	F	F	F	C	C
Studios, production	F	F	F	C	C
Theatre	F	F	F	C	C
Ticket sales	F	F	F	C	C

Multifamily
Residential/
Local Services

Multifamily
Residential

Rowhouse

Three
Family

Two
Family

Dormitory/Fraternity Uses

Dormitory not accessory to a use
Fraternity

C
C

Educational Uses

Day care center
Elementary or secondary
school
Kindergarten
Professional School
Trade School

C
C
C
C
C
C

Elderly Care Uses

Convalescent home
Elderly day care center
Elderly Housing

C
C
A

Entertainment Uses

Adult entertainment
Bar
Bowling alley
Billiard parlor
Commercial establishment operating
amusement game machines
Concert hall
Dance hall
Drive-in theatre
Non-commercial establishment
operating amusement game machines
Private club
Restaurant with entertainment
Social, recreational, or
sports center

F
F
F
F
C
F
F
F
F
F
F
F
F
F
C
F
F
F

Table B

	Two Family	Three Family	Rowhouse	Multifamily Residential	Multifamily Residential/ Local Services
<u>Funerary Uses</u>					
Cemetery	F	F	F	C	C
Cemetery extension	F	F	F	C	C
Columbarium	F	F	F	C	C
Crematory	F	F	F	C	C
Funeral home	F	F	F	C	C
Mortuary chapel	F	F	F	C	C
<u>Hotel Uses</u>					
Apartment hotel	F	F	F	C	C
Bed and Breakfast	C	C	C	C	C
Executive Suites	F	F	F	C	C
Hotel	F	F	F	C	C
Motel	F	F	F	C	C
<u>Industrial Uses</u>					
Art use	F	F	F	F	F
Artists' mixed-use	F	F	F	F	F
Cleaning plant	F	F	F	F	F
General manufacturing use	F	F	F	F	F
Industrial use	F	F	F	F	F
Light manufacturing use	F	F	F	F	F
Restricted industrial use	F	F	F	F	F
<u>Institutional Uses</u>					
Clinic	F	F	F	C	C
Custodial care	F	F	F	C	C
Group Care, General	C	C	C	C	C
Hospital	F	F	F	C	C
Penal institution	F	F	F	C	C
Scientific laboratory	F	F	F	C	C
University	F	F	F	C	C

Multifamily
Residential/
Local Services

Multifamily
Residential

Rowhouse

Three
Family

Two
Family

Office Uses

Agency or professional office
Bar/office
General office

Open Space Uses

Golf driving range
Grounds for sports, private
Open space
Open space recreational building
Outdoor place of
recreation for profit
Stadium

Public Service Uses¹

Automated telephone exchange
Courthouse
Fire station
Police station
Pumping station
Recycling facility (excluding toxic
waste)
Solid waste transfer station
Sub-station
Telephone exchange

C
C
C

F
F
F

F
F
F

F
F
F

F
F
F

F C
A C

F C
A C

F C
A C

F C
A C

F C
A C

F F

F F

F F

F F

F F

C C
A A C

C C
A A C

F F C C F

F F C C F

F F C C F

C*
C C C

C*
C C C

F F F F

F F F F

F F F F

* Provided that all windblown materials shall be recycled in an enclosed building and that no hazardous by-products shall be released on-site.

Table B

	Two Family	Three Family	Rowhouse	Multifamily Residential	Multifamily Residential/ Local Services
<u>Research and Development Uses</u>					
Basic research	F	F	F	C	C
Biomedical technology	F	F	F	C	C
Pharmaceutical research and development	F	F	F	C	C
Product development or prototype manufacturing	F	F	F	C	C
Research and development	F	F	F	C	C
Research and medical laboratories	F	F	F	C	C
<u>Residential Uses</u>					
Rowhouse	F	A	A	A	A
Group Care, Limited	A	A	A	A	A
Homeless shelter	F	C	C	C	C
Lodging house	F	C	C	C	C
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	F	A	A	A	A
One family detached dwelling	A	A	F	A	A
One family semi-attached dwelling	F	A	A	A	A
Orphanage	F	F	F	F	F
Rowhouse	F	A	A	A	A
Temporary dwelling structure	C	C	C	C	C
Townhouse	F	A	A	A	A
Transitional housing	F	C	C	A	A
Three family detached dwelling	A	A	F	A	A
Two family detached dwelling	F	A	F	A	A
Two family semi-attached dwelling	F	A	F	A	A

Multifamily
Residential/
Local Services

Multifamily
Residential

Rowhouse

Three
Family

Two
Family

Restaurant Uses

Drive-in restaurant
Restaurant
Take-out restaurant
Small +
Large ++

C*
C*
C*
C*

C*
C*
C*
C*

F
F
F
F

F
F
F
F

F
F
F
F

Retail Uses²

Bakery
General retail business
Liquor store
Local retail business
Outdoor sale of garden supplies

A*
C*
A*
A*

C*
F
C*
C*

F
F
F
F

F
F
F
F

F
F
F
F

Service Uses²

Animal hospital
Barber or beauty shop
Caterer's establishment
Dry-cleaning shop
Kennel
Laundry
Photocopying establishment
Repair garage
Self-service laundry
Shoe repair
Tailor shop

C*
A*
C*
A*
C*
A*
C*
F
A*
A*
A*

F
C*
F
C*
F
C*
F
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F
F
F
F
F
F
F
F
F

+ Total gross floor area not more than 2,500 square feet per use.
++ Total gross floor area exceeding 2,500 square feet per use.

Table B

	Two Family	Three Family	Rowhouse	Multifamily Residential	Multifamily Residential/ Local Services
<u>Storage Uses</u>					
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of certain materials	F	F	F	F	F
Storage of flammable liquids and gases	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F	F
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F
<u>Trade Uses</u>					
Carpenters shop	F	F	F	F	C*
Electrician's shop	F	F	F	F	C*
Machine Shop	F	F	F	F	C*
Photographer's studio	F	F	F	F	C*
Plumber's shop	F	F	F	F	C*
Printing plant	F	F	F	F	C*
Radio/television repair	F	F	F	F	C*
Taxidermist shop	F	F	F	F	C*
Upholster's shop	F	F	F	F	C*
Welder's shop	F	F	F	F	C*
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	F
Rail freight terminal	F	F	F	F	F
Railroad passenger station	F	F	F	F	F
Water terminal	F	F	F	F	F

	Two Family	Three Family	Rowhouse	Multifamily Residential	Multifamily Residential/ Local Services
<u>Vehicular Uses</u>					
Carwash	F	F	F	F	F
Gasoline station	F	F	F	F	F
Indoor sale and installation of automotive parts	F	F	F	F	F
Indoor sale of automobiles and trucks	F	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F	F
Parking garage	F	F	F	F	F
Parking lot	F	F	F	F	F
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F
Truck or bus servicing	F	F	F	F	F
<u>Water-Dependent Uses</u>					
Boat rental	F	F	F	F	F
Marina	F	F	F	F	F
Marine facilities	F	F	F	F	F
Passenger transportation	F	F	F	F	F
Pedestrian facilities	F	F	F	F	F
Public safety facilities	F	F	F	F	F
Shore protection structures	F	F	F	F	F
Vessel moorage	F	F	F	F	F
Water-related uses	F	F	F	F	F
Yacht club	F	F	F	F	F
<u>Wholesale Uses</u>					
Office of wholesale business	F	F	F	F	F
Wholesale business	F	F	F	F	F

Table B

Ancillary and Accessory Uses

	<u>Two</u> <u>Family</u>	<u>Three</u> <u>Family</u>	<u>Rowhouse</u>	<u>Multifamily</u> <u>Residential</u>	<u>Multifamily</u> <u>Residential/</u> <u>Local Services</u>
Accessory amusement game machines in commercial or non-commercial establishment	F	F	F	F	F
Accessory art use	A	A	A	A	A
Accessory automatic teller machine	F	F	F	C*	A*
Accessory berthing	F	F	F	F	F
Accessory clinic or offices for hospital	F	F	F	C	C
Accessory dormitory	F	F	F	C	C
Accessory drive-through restaurant	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F
Accessory family day care home	A	A	A	A	A
Accessory home occupation	A	A	A	A	A
Accessory industrial use	F	F	F	F	F
Accessory keeping of animals	F	F	F	F	F
Accessory keeping of laboratory animals	F	F	F	F	F
Accessory machine shop	F	F	F	F	F
Accessory manufacture of products	F	F	F	F	F
Accessory offices for university	F	F	F	C	C
Accessory outdoor cafe	F	F	F	C	C
Accessory parking**	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	C
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory repair garage	F	F	F	C	C
Accessory scientific laboratory	F	F	F	C	C
Accessory services for apartment and hotel residents	F	F	F	C	C

Multifamily
Residential/
Local Services

Multifamily
Residential

Rowhouse

Three
Family

Two
Family

Ancillary and Accessory Uses

Accessory services incidental
to educational institutions
and hospitals
Accessory storage of flammable
liquids incidental to lawful use
Accessory swimming pool
or tennis court
Accessory truck or bus servicing
Accessory use ordinarily
incident to a main use
Accessory wholesale business
Ancillary use

F	F	F	C	C
A	A	A	A	A
A	A	A	A	A
F	F	F	F	F
A	A	A	A	A
F	F	F	F	F
C	C	C	C	C

* Provided such use is located on the ground floor; otherwise forbidden.

** Except Conditional in a restricted parking district if accessory to any use other than a Residential Use.

1. The requirements of St. 1956, c.665, s.2, where apt, are met.
2. Except Conditional if merchandise is sold or displayed out-of-doors or such establishment is open to the public after midnight or before 6:00 a.m.
3. Provided that it is more than four feet from every lot line, and in the case of a swimming pool, that it is protected by a six-foot high fence with a gate which is locked from the outside, and that if the pool is within ten feet of a lot line, the fence is concealing to a eight of at least six feet.

Table C

Roxbury Neighborhood District

Economic Development Area Dimensional Regulations

	<u>Dudley Square EDA</u>	<u>Greater Roxbury EDA</u>
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	55(1)	65(1)
Minimum Lot Size	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	none	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard	none (2)	none (2)
Minimum Side Yard	none	none
Minimum Rear Yard	20	20

Footnotes:

1. See Section 50-14, which describes maximum Building Heights of areas of the Dudley Square EDA and Greater Roxbury EDA.
2. See Section 50-39.

Roxbury Neighborhood District

Neighborhood Business Subdistricts Dimensional Regulations

	Egleston Square NSD	Grove Hall NSD	Washington Park Mall NSD	St. Patrick's NSD
Maximum Floor Area Ratio	1.0	1.0	1.0	1.0
Maximum Building Height	45	45	45	45
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none	none
Minimum Usable Open Space (Square Feet, per Dwelling Unit) (1)	50	50	50	50
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard (3)	none (2)	none (2)	none (2)	none (2)
Minimum Side Yard (4)	none	none	none	none
Minimum Rear Yard	20	20	20	20

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. See Section 50-39.
3. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

Table D

In a Neighborhood Business Subdistrict, every front yard required by this code shall, along every lot line on which such yard abuts, be at grade level, and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district.

Roxbury Neighborhood District

Community Facilities Subdistricts Dimensional Regulations

	Campus High/ Community College	Dimock Street	Walnut Avenue	Warren Street	Roxbury Heritage State Park	Townsend Street	Albany Street
Maximum Floor Area Ratio	2.0	2.0	1.0	2.0	2.0	2.0	2.0
Maximum Building Height	45	45	35	45	45	45	45
Minimum Lot Size	none	none	none	none	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none	none	none	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50	50	50	50	50	50	50
Minimum Lot Width	none	none	none	none	none	none	none
Minimum Lot Frontage	none	none	none	none	none	none	none
Minimum Front Yard	none (1)	none (1)	none (1)	none (1)	none (1)	none (1)	none (1)
Minimum Side Yard	none	none	none	none	none	none	none
Minimum Rear Yard	20	20	20	20	20	20	20

1. See Section 50-39.

Housing Neighborhood District Incorporated Subdivisions: Unincorporated Divisions

Subdistrict	Lot Size (Square Feet)	Additional dwelling unit (Square Feet)	Lot Width (feet)	Lot Frontage (feet)	Floor Area Ratio Maximum	Building Height ² Maximum Feet	Usable Open Space ³ (sq ft per dwelling unit)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Rear Yard maximum occupancy by accessory building (Percent)	
2 ¹												
1 or 2 Family detached	5,000	N/A	50	50	0.6	2 1/2	35	800	20	10	30	25
Other Use	5,000	N/A	50	50	0.6	2 1/2	35	none	20	10	30	20
3 ¹												
4,000 ZONE												
Single attached 2,000 and Row House Building	2,000	2,000	23	23	0.8	3	35	650	20	10 ⁶	30	25
Any other dwelling or Use	4,000 for first 2 dwelling units	2,000	45	45	0.8	3	35	650	20	10 ⁵	30	25
5,000 ZONE												
Single attached 2,500 and Row House Building	2,500	2,500	25	25	0.8	3	35	800	20	10 ⁶	30	25
Any other dwelling or Use	5,000 for first 2 dwelling units	2,500	50	50	0.8	3	35	800	20	10 ⁵	30	25

11/11/25 CH/11/10/20/1

Lot Size for
each building
allowing front
square feet

Subdistrict	Lot Size (Square feet)	Lot Width (feet)	Lot Frontage (feet)	Floor Area Ratio Maximum	Building Height? Maximum Stories Feet	Usable Open Space (sq ft) dwelling unit	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Rear Yard maximum occupancy by accessory building (Percent)
6,000 zone										
Serial attached 3,000 and flow house building	3,000	28	28	0.8	3 35	950	20	10 ⁶	30	25
A / other dwelling or use	6,000 for first 2 dwelling units	55	55	0.8	3 35	950	20	10 ⁵	30	25
7,000 zone										
Serial attached 3,500 and flow house building	3,500	30	30	0.8	3 35	950	25	12 ⁶	35	25
Any other dwelling or use	7,000 for first 2 dwelling units	60	60	0.8	3 35	950	25	12 ⁵	35	25
1,000 zone										
Serial attached 4,000 and flow house building	4,000	30	30	0.8	3 35	950	25	12 ⁶	35	25
Any other dwelling or use	8,000 for first 2 dwelling units	60	60	0.8	3 35	950	25	12 ⁵	35	25

Roxbury Neighborhood District
Industrial Development Area Dimensional Regulations

	Newmarket IDA	Grove Hall IDA
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	65	65
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard	none (1)	none (1)
Minimum Side Yard	none	none
Minimum Rear Yard	12	12

1. See Section 50-39.

	Additional bed space for each additional dwelling unit (Square Feet)	Lot Width (feet)	Lot Frontage (feet)	Block Area Ratio Maximum	Building Height ² Maximum feet	Usable Open Space ³ (sq ft per dwelling unit)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Rear Yard maximum occupancy by accessory building (Percent)		
MH	2,000	N/A	20	20	10	3	35	400	(4)	10(6)	20	25
MFR and MFR/LS												
Row House	3,000	N/A	30	30	10	4	45	400	20	10(6)	30	25
Any Other Dwelling or Use	5,000	1,000	50	50	10	4	45	400	20	10	20	25

1. See Map 7A, and Sections 50.29(1) in a 2F subdistrict the maximum number of dwelling units allowed in a single structure shall be two (2); any greater number shall be conditional. In a 3F subdistrict, the maximum number of dwelling units allowed in a single structure, a Town House Building, or in a Row House Building shall be three (3); any greater number shall be conditional.

2. For the purpose of determining Building Height, the floor area of a dormer on a dwelling shall not be included in the floor area calculation for a half story, provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing structure of which it is a part, or thirty-five feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in gross floor area of the dwelling.

3. Applicable only to Residential Uses, Dormitory/Fraternity Uses, Elderly Care Uses. In MFR and MFR/LS Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.

4. See Section 50.42.2, Conformity with Existing Building Alignment. A bay window may protrude into a front yard.

5. At least five (5) feet from a side lot line and ten (10) feet from an existing structure on an abutting lot, but not less than fifteen (15) feet in the aggregate.

6. Semi-attached dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.

Table H

General Uses

(Proposed Projects Under 50,000 Square Feet
of Gross Floor Area)

Off Street Parking Requirement¹
(Spaces per 1,000 Square Feet of Gross Floor Area)

<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary School	0.7
Junior High School (through 10th Grade)	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Industrial Uses</u>	0.5
<u>Institutional Uses</u>	1.0
<u>Office Uses</u>	1.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses</u>	2.0
<u>Service Uses</u>	2.0
<u>Storage Uses</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

1. If a use is located in the restricted parking district, see Section 3-1A(c).

Table H

Public Assembly Uses

(Proposed Projects Under 50,000 Square Feet
of Gross Floor Area)

Off Street Parking Requirement¹

	<u>If there are seats: (spaces per seat*)</u>	<u>If there are no seats (spaces per 1,000 square feet of public floor area in structures)</u>
<u>Entertainment Uses</u>	0.15	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>	0.15	4.0

*Where benches are used, each two lineal feet of bench shall constitute one seat.

1. If a use is located in the restricted parking district, see Section 3-1A(c).

Table H

Residential and Related Uses

(Proposed Projects Under 50,000 Square Feet of
Gross Floor Area)

Off Street Parking Requirement
(space per dwelling unit)

Dormitory/Fraternity Uses

0.5

Elderly Care Uses

0.5

Hotel Uses

0.7

Residential Uses

Group Care Limited

0.5

Homeless Shelter

0.25

Lodging House

0.5

Transitional Housing

0.25

Affordable Housing

0.7

Other Residential Uses

1.0

Table H

Off Street Loading Requirements

(Proposed Project Under 50,000 Square Feet of
Gross Floor Area)

<u>Gross Floor Area</u>	<u>Required Off Street Loading Bays</u>
0-15,000 square feet	0
15,000-50,000 square feet	1.0



ARTICLE 2A

NEIGHBORHOOD DISTRICT DEFINITIONS

SECTION 2A-1. Meaning of Certain Words and Phrases. As used in the following Neighborhood District Articles, the following words and phrases shall have the meanings given in the following clauses, unless a different meaning is specified within the regulations governing any such neighborhood districts, as set forth in an Article of this code pertaining to such district. This Article 2A shall apply to the Roxbury Neighborhood District.

"**Accessible**", or "**Accessible to Physically Handicapped Persons**" shall be as defined in Chapter 521 of the Code of Massachusetts Regulations; as amended.

"**Accessory berthing**", facilities for the temporary berthing on shore of personnel or vessels under repair.

"**Accessory building**", a structure devoted exclusively to a use accessory to a main use of the lot.

"**Accessory clinic or office for hospital**", clinic or professional offices accessory to a Hospital whether or not on the same lot.

"**Accessory drive-through restaurant**", a use wholly incidental to a restaurant, with a vehicular queuing lane and a window where customers place orders or receive services, or both, while seated in a vehicle.

"**Accessory drive-through retail**", a use wholly incidental to a Local Retail Business establishment, with a vehicular queuing lane and a window where patrons place orders or receive services, or both, while seated in a vehicle.

"**Accessory home occupation**", an occupation for profit customarily carried on in a dwelling unit by a person residing therein. Such occupation shall be carried on in a main building, require only equipment ordinarily incident to a dwelling unit, require that no non-resident help is employed, and that there is no trading in merchandise. Home occupations include, but shall not be limited to, sewing, cooking, piano lessons, tutoring, and similar uses which are clearly incidental to the dwelling for dwelling purposes and do not change the character thereof.

"**Accessory industrial use**", any nonresidential use lawful in a Manufacturing Subdistrict, provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.

"**Accessory keeping of animals**", the keeping of horses, cows, goats, poultry, pigeons, rabbits, bees or similar animals other than pigs.

"**Accessory keeping of laboratory animals**", the keeping of laboratory animals incidental to an Educational, Institutional, or Research and Development Use.

accessory manufacture of products, accessory offices for university, accessory outdoor cafe, accessory parking, accessory personnel quarters, accessory professional office in a dwelling, accessory railroad storage yard, accessory repair garage, accessory scientific laboratory, accessory services for apartment and hotel residents, accessory services incidental to educational institutions and hospitals, accessory storage of flammable liquids incidental to lawful use, accessory swimming pool or tennis court, accessory truck or bus servicing, accessory use ordinarily incident to a lawful main use, or accessory wholesale business.

"Adjusted Income", is defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Affordable Housing", either an owner-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty-two percent (32%) (or the percentage set by the Massachusetts Housing Finance Agency) of its Adjusted Income to occupy the unit, or a renter-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for rent payments of not more than thirty-two percent (32%) of its Adjusted Income, (or the percentage set by the Massachusetts Housing Finance Agency).

"Agency or professional office", any room, studio, clinic, office or suite wherein the primary use is the conduct of business by professional persons such as attorneys, physicians, architects or insurance agents.

"Animal Hospital", a clinic or hospital, with or without outside runs, for the diagnosis, treatment, or hospitalization of household pets.

"Amusement Game Machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by as player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

"Ancillary Use", auxiliary, assisting. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; and any such use on such a lot in another district or subdistrict unless such use is a use specifically forbidden in such other district or subdistrict.

"Annual Income" is defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Apartment Hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

"Applicant", any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of a neighborhood district article, or the authorized agent of any such person or entity.

"Art Use", the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

"Artists' Mixed-Use", the use of all or a portion of a building for both art use and habitation.

"Automatic telephone exchange", a nonattended telephone switching or transmitting service.

"Automatic Teller Machine", an electronically powered machine installed in the interior or exterior wall of a building activated by means of a coded celluloid card or other similar device which permits limited banking business transactions, such as the purchase of travelers checks, check cashing and money changing to be conducted from outside of the building.

"Back-Office", the use of a structure or land principally for clerical, data processing, or support staff functions, and related services and occupations.

"Bakery", a place where baked goods are made or sold for off-premises consumption.

"Bank", a facility for the extension of credit and the custody, loan or exchange of money, without a drive-in window.

"Bank, Drive-In", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

"Banking and Postal Uses", automatic teller machine; bank; check-cashing business; drive-in bank; or post office.

"Bar", an establishment devoted primarily to the retailing and on premises drinking of alcoholic beverages. Such establishments may or may not serve food, and may or may not include dancing and entertainment.

"Barber Shop or Beauty Shop", a barber shop, beauty shop or other facility where haircutting, hairdressing, shearing, facials, manicures, or related services are performed.

"Basement", that portion of a building which is more than thirty-five percent (35%) of the height of the story below grade.

"Bay Window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the

accessory manufacture of products, accessory offices for university, accessory outdoor cafe, accessory parking, accessory personnel quarters, accessory professional office in a dwelling, accessory railroad storage yard, accessory repair garage, accessory scientific laboratory, accessory services for apartment and hotel residents, accessory services incidental to educational institutions and hospitals, accessory storage of flammable liquids incidental to lawful use, accessory swimming pool or tennis court, accessory truck or bus servicing, accessory use ordinarily incident to a lawful main use, or accessory wholesale business.

"Adjusted Income", is defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Affordable Housing", either an owner-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty-two percent (32%) (or the percentage set by the Massachusetts Housing Finance Agency) of its Adjusted Income to occupy the unit, or a renter-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for rent payments of not more than thirty-two percent (32%) of its Adjusted Income, (or the percentage set by the Massachusetts Housing Finance Agency).

"Agency or professional office", any room, studio, clinic, office or suite wherein the primary use is the conduct of business by professional persons such as attorneys, physicians, architects or insurance agents.

"Animal Hospital", a clinic or hospital, with or without outside runs, for the diagnosis, treatment, or hospitalization of household pets.

"Amusement Game Machine", a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by as player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

"Ancillary Use", auxiliary, assisting. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; and any such use on such a lot in another district or subdistrict unless such use is a use specifically forbidden in such other district or subdistrict.

"Annual Income" is defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Apartment Hotel", a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2 of the Boston Zoning Code).

"Bed and Breakfast", any owner-occupied dwelling unit in which sleeping accommodations without kitchen facilities are let on an overnight basis, primarily the temporary abode of persons who have their residence elsewhere, provided food and beverage service is limited to breakfast for registered paying overnight guests at no additional cost, that there are no exterior signs, that there are no retail sales on premises, and that the length of occupancy not exceed fourteen days.

"Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

"Board of Appeal", the Board of Appeal in the Inspectional Services Department of the City.

"Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

"Building Line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in the definition of "Existing Building Alignment".

"Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

"Building Height", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, provided that the total area of such roof structures and penthouses does not exceed $33\frac{1}{3}$ percent of the roof area. A mansard roof shall be considered a flat roof.

Where a maximum Building Height is specified in this code, or in a second numerical suffix in the designation of subdistrict as provided in a neighborhood district article, no building or part of a building in a district, and devoted to a use specified, shall exceed the number of stories or feet in height so specified except as provided below:

1. The maximum Building Height regulation shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs or other structures normally built above the roof and

not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve; and

2. Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure not excepted under paragraph 1 above exceeds the height limit specified in a neighborhood district article on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

"Check Cashing Business", a retail/service business, either stationary or mobile, which cashes checks, drafts, or money orders as its primary business and is not accessory to a general or local retail use.

"City", the City of Boston.

"Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

"Cleaning Plant", a laundry plant, dry-cleaning plant, or rug cleaning plant.

"Columbarium", a vault with niches for cinerary urns.

"Commercial establishment operating amusement game machines", an establishment in which a main use in the operation of more than four (4) mechanical, electronic and/or coin-operated games and/or devices for the amusement of the general public.

"Commission", the Zoning Commission of the City.

"Community Center", a facility providing educational, recreational, and social services to the community.

"Community Uses", adult education center; community center; library; place of worship; residence for members of religious order; or similar use.

"Convalescent Home", a facility licensed by the state as a nursing, convalescent or rest home providing care and minor medical treatment for patients in order that they may recover from a medical infirmity.

"Cultural Uses", art gallery; art metal craft shop; auditorium; museum; music store; musical instrument repair shop; public art display space; studio, arts; studio, production; theatre; or ticket sales.

"Custodial Care Facility", a facility which provides protective supervision and guardianship for drug addicts, alcoholics or mentally ill or mentally deficient persons.

"Day Care Center", any facility operated on a regular basis whether known as a day nursery, nursery school, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

"Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending educational institutions.

"Dormitory and Fraternity Uses", a dormitory, a fraternity, or sorority.

"Dwelling", a building or structure used in whole or in part for human habitation.

"Dwelling, Detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

"Dwelling, Multi-Family", a building containing three or more dwelling units; but not including a motel.

"Dwelling, Semi-Attached", a dwelling attached to another dwelling on a separate lot by a firewall only on one side, and containing one or two dwelling units.

"Dwelling Unit", a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking and eating; but not including any use contained in artists' mixed uses.

"Educational Uses", a day care center; elementary or secondary school; kindergarten; professional school; or trade school.

"Elderly Care Uses", a convalescent home; elderly day care center; or elderly housing.

"Elderly Day Care Center", any facility operated on a regular basis which receives elderly persons for non-residential custody or care during part or all of the day.

"Elderly Housing", a multi-family dwelling occupied exclusively by elderly residents, containing a common eating area, and providing social and personal care, but not medical care.

"Entertainment Uses", adult entertainment; bar; bowling alley; billiard parlor; commercial establishment operating amusement game machines; concert hall; dance hall; drive-in theater; non-commercial establishment operating amusement game machines; restaurant with entertainment; private club; or social, recreational, or sports center.

"Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

"Executive Suites", any dwelling (other than a boarding house, dormitory, fraternity, lodging house, sorority house, hotel, motel, or apartment hotel) in which living space, with kitchen facilities, is let to fewer than ten persons who are not within the second degree of kinship, primarily the temporary abode of persons living elsewhere.

"Extend", to increase in area or volume.

"Existing Building Alignment", the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up.
3. The front yard depth with the largest total width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

The existing building alignment may also be referred to as the modal front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

"Family", one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

"Family Day Care Home", any dwelling unit which on a regular basis receives, for temporary custody and care during part or all of the day, children under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the dwelling unit. Family day care home shall not mean a dwelling unit used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"Floor Area Ratio", the ratio of gross floor area of a structure to the total area of the lot. Except as otherwise provided in this code, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this code. In calculating the area of the lot for the purpose of determining floor area ratio, the following parts of the lot shall be excluded: (a) every part required by any other structure or use to comply with any requirements of this code, and (b) every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of this code concerning minimum Lot Size, Lot Width, Lot Frontage, minimum Usable Open Space per dwelling unit and Front Yard, Side Yard, and Rear Yard inclusive, applicable to the lot from which such transfer is made. (Illustrated in Appendix 2 of the Boston Zoning Code).

"Floor Area, Gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

"Fraternity", a fraternity or sorority house, or other facility for housing a social or service organization of college students.

"Funerary Uses", a cemetery; cemetery extension; columbarium; crematory; funeral home; or mortuary chapel.

"Garage with dispatch", a building or part of a building wherein motor vehicles, such as taxicabs or ambulances, are dispatched from and are housed or stored when not in use.

"Gasoline station", an area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants. A gasoline station shall not include an automobile laundry, car wash, repair garage, or a Local Retail Business establishment.

"General Manufacturing Use", includes plants, factories, or mills engaged in the mechanical or chemical transformation of materials or substances into new products. General manufacturing may also include the blending of materials, or assembling component parts of manufacturing products. General manufacturing includes but is not limited to:

Any general manufacturing use, other than a Restricted Industrial use, which does not result in noise or vibration perceptible without instruments more than fifty feet outside the perimeter of the lot.

Bottling works for beverages.

Cotton ginning.

Manufacture or repair of

Advertising displays

Apparel or other products (including hat bodies and like) from textiles or similar materials.

Beverages containing less than 0.5% of alcohol by volume at 60 degrees F.

Boats less than one hundred feet long.

Brooms or bushes.

Cameras or other photographic equipment, except flammable film.

Carpets.

Canvas or canvas products.

Ceramic products, including pottery, small glazed tile and the like.

Cosmetics or toiletries.

Cotton wadding or lintens.

Electric lamp bulbs.

Electric lighting fixtures, electric irons, electric fans, electric toasters, electric toys or similar electric appliances.

Electric wiring supplies, dry cell batteries and the like.

Electronic components and supplies.

Food products except the curing, smoking or drying of meat or fish.

Fur goods (exclusive of curing, dyeing and tanning).

Gases in amounts not exceeding two thousand cubic feet a day.

Glass products from previously manufactured glass.

Hair, felt or feather products (exclusive of curing, dyeing and washing); hosiery.

Ice (dry or natural).

Ink or inked ribbon.

Leather products, including shoes, machine belting and the like.

Luggage.

Mattresses (including rebuilding and renovating).

Metal furniture, cabinets, doors, fencing and the like.

Metal products made by stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils and the like.

Musical instruments, including pianos and organs.

Novelty products.

Optical equipment, clocks, or similar precision instruments.
Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers and similar appliances.
Paper products, including envelopes, stationery, bags, boxes, shipping containers, wallpaper printing and similar products.
Pharmaceutical products; plastic products, including tableware, phonograph records, buttons, and the like.
Rubber products (exclusive of rubber and synthetic processing), including washers, gloves, footwear, bathing caps, atomizers and the like.
Shoddy.
Silverware (plate or sterling).
Sporting goods or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods and the like.
Statuary, mannequins, figurines, or religious or church art goods, exclusive of foundry operations.
Textiles, knit goods, yard goods, thread or cordage, including spinning, weaving, dyeing and printing.
Tobacco products, including curing tobacco.
Tools or hardware, including hand tools, drills, cutlery, bolts, nuts, screws, doorknobs, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, and the like.
Toys.
Umbrellas.
Vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.
Venetian blinds, window shades, and awnings.
Wax products.
Wood products, including furniture, boxes, crates, barrels, baskets, pencils, and the like; packaging chemicals, detergents or soap.
Poultry or rabbit slaughtering or packing.
Printing or newspaper publishing, including engraving, or photo-engraving.
Scenery construction.
Stone cutting or lettering.
Storage of gases in amounts not exceeding ten thousand cubic feet.
Upholstering.
Any similar manufacturing use.

"General Office, the use of a structure or land principally for office space. Such use shall not involve manufacturing, repair or storage of materials, goods or products which are physically located on the premises.

"General Retail Business", a department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.

"Grade", the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts, except as otherwise provided in Section 16-8 as such section pertains to the restricted roof structure district in the North End, or in the case of a building not abutting on a street, the average elevation of the ground between the building and the lot line or a line twenty

(20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.

"Ground Floor Ceiling Height", the height of the underside of the floor structure of the second floor.

"Grounds for sport, private", private grounds for games and sports, not conducted for profit, including but not limited to areas providing private recreational facilities such as playgrounds, parks, swimming pools and playing fields.

"Group Care Residence, General", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including the residential care of mentally ill, mentally retarded, or physically handicapped persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

"Group Care Residence, Limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential care or supervision in any single dwelling unit of no fewer than five nor more than twelve mentally ill, mentally retarded, or physically handicapped persons, plus resident staff.

"Historic Building", any building listed from time to time in the Massachusetts Register of Historic Places.

"Homeless Shelter", a facility providing temporary housing for one or more individuals who are otherwise homeless.

"Hospital", an institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured. A Hospital shall include such related uses as laboratories, outpatient departments, training facilities, staff housing facilities, central service facilities and staff and medical offices, and other related uses accessory or ancillary to the hospital, and shall also include any other facility used by a hospital for an accessory or ancillary use. A hospital does not include a facility providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons.

"Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

"Hotel Uses", an apartment hotel; bed and breakfast; executive suites; hotel; or motel.

"Industrial Use" means any Restricted Industrial use other than a use described or listed under Restricted Industrial Use.

"Industrial Uses", an art use; artists' mixed-use; cleaning plant; general manufacturing use; industrial use; light manufacturing use; or restricted industrial use.

"Inspectional Services, or Inspectional Services Department, Commissioner of": See clause (8).

"Institutional Uses" means a clinic; custodial care; group care general; hospital; penal institution; scientific laboratory; or university uses.

"Kennel", a facility for the breeding or boarding of animals that has outside enclosures for the animals.

"Light Manufacturing Use", a manufacturing use, typically having low impacts on the environment, in which articles are either produced, assembled, finished and/or packaged from prepared materials made at another location, or raw materials, such as premilled wood, paper, wool, cork or semi-precious or precious metals or stones. It includes the design, development, manufacture, compounding, packaging, processing, fabrication, altering, assembly, repairing, servicing, renting, testing, handling, or transfer of products such as:

- Ceramic products, including pottery and glazed tile;
- Construction equipment and products;
- Gas, diesel, and electrical machinery, equipment, or supplies;
- Electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances;
- Fish or other food products;
- Instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use;
- Metal and wood products;
- Office equipment or machinery;
- Pharmaceutical products, cosmetics, or toiletries;
- Textile products including, but not limited to, products from the following:
 - canvas, burlap, cotton, knit goods, rope, and twine;
- Photographic supplies, including processing solutions; and
- Supplies related to printing or engraving.

"Landmark", any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

"Local Retail Business", a store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting an adult entertainment business, including, but not limited to, store retailing or renting one or more of the following: food, baked goods, groceries, drugs, videos, computer software, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances, but not including a Bakery or liquor store.

"Lodging House", any dwelling (other than a boarding house, dormitory, fraternity, sorority house, hotel, motel or apartment hotel) in which living space,

without kitchen facilities, is let to five or more persons who are not within the second degree of kinship. Board may or may not be provided to such persons.

"Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

"Lot Area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line. In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

"Lot Area per Dwelling Unit", where a minimum lot area for each additional dwelling units is specified in this code, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said code. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit; and further provided that a limited group care residence as defined in this article shall be deemed to constitute one dwelling unit for purposes of this article. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

"Lot, Corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

"Lot, Depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

"Lot Line, Front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

"Lot Line, Rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a

line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

"Lot Size", where a maximum lot size is specified in this code, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except if specifically provided.

"Lot Width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line. Where a minimum lot width is specified in this code, no main building shall be erected on that part of a lot where the lot width is less than that specified, except if specifically provided.

"Low-Income Household", any household whose Annual Income does not exceed fifty percent (50%) of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.

"Main Building", a building, not including a dwelling, that is not an Accessory Building.

"Mansard Roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a Story as defined below.

"Maritime-Dependent Industrial Uses", marine terminals and related structures for the transfer between ship and shore of goods and/or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported in waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, and processing and storage facilities for the commercial fishing industry; dry docks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures; and other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction. MER districts contain, or are adjacent to, (a) navigable channels of 12 feet or more in depth at mean low tide; or (b) tidelands and associated lands abutting such channels that by their topography, size, and relationship to residential neighborhoods are suited for maritime-dependent industrial use. Where an area is being used, or within the five (5) years prior to the establishment of the MER district in this code, has been used for a maritime-dependent industrial use, this requirement is deemed to have been met.

"Median Gross Income" is defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Mobile Home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

"Mobile Home Park", a parking space for two or more mobile homes used as dwellings.

"Modal Front Yard depth", see **"Existing Building Alignment"**.

"Moderate-Income Household", any household whose Annual Income does not exceed eighty percent (80%) of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.

"Mortuary chapel", a facility in a cemetery in which bodies are prepared for burial or cremation or funeral services are conducted.

"Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

"Motor freight terminal", a building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

"Neighborhood Council", any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.

"Non-commercial establishment operating amusement game machines", the maintenance and operation of more than four (4) mechanical, electronic and/or coin-operated amusement game machines in a private club, dormitory, fraternity house, or similar non-commercial establishment, other than as an accessory use.

"Nonconforming Use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

"Occupied" shall include the words "designed, arranged, or intended to be occupied".

"Office Uses", agency or professional office, back office or general office.

"Open Space," open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or, open space in private ownership for active or passive recreational use or for the conservation of natural resources.

"Open Space Recreational Building", a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area.

"Open Space Uses", golf driving range; grounds for sport, private; open space; open space recreational building; outdoor place of recreation for profit; or stadium uses.

"Outdoor Storage of New Materials", outdoor storage of new building materials, contractor's equipment, machinery, metals (other than scrap and junk) and the like.

"Outdoor Storage of Junk and Scrap", outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles.

"Parapet Line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

"Penal institution", a facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, or serving a sentence upon conviction.

"Physically Handicapped Person", shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

"Planning and Zoning Advisory Committee", any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

"Private Club", facilities used or operated for a purpose such as, but not limited to, a fraternal, social, recreational, or athletic purpose, including a health club.

"Professional School", an institution which offers courses of instruction in any of several fields of study and/or in a number of professions or occupations, and which is not part of a university or trade school.

"Proposed Project", the erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

"Public Agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or one or more political subdivisions of the Commonwealth, or of the United States.

"Public Assembly Uses", for the purposes of off-street parking requirements, such uses are Entertainment Uses, Funerary Uses, places of worship, or Restaurant Uses.

"Public Open Space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty feet in height or two thousand square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

"Public Service Uses", automatic telephone exchange; courthouse; fire station; police station; pumping station; recycling facility (excluding toxic waste); solid waste transfer station; sub-station; or telephone exchange.

"Pumping station", a public service facility for transporting water, including pumps, piping, valves, and controls.

"Recreational Marina", any arrangement of docks, slips, piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels including, but not limited to, any such facility associated with a yacht club or boat club.

"Recycle", to recover materials or byproducts: a) which are to be reused, or b) which are to be employed as an ingredient or a feedstock in an industrial or manufacturing process to make a product, or c) which are to be employed in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of a material.

"Recycling Facility", a facility which recovers and recycles solid waste for reuse. A recycling facility shall not include a drop-off center for general commercial or household waste.

"Research and Development Uses", basic research; biomedical technology; pharmaceutical research and development; product development or prototype manufacturing; research and development; or research and medical laboratories.

"Residence for Members of Religious Order", the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows, such as a monastery, convent, parish house, or similar residence.

"Residential Uses", group care, limited; homeless shelter; lodging house; mobile home; mobile home park; multi-family dwelling; one family detached dwelling; one family row house; one family semi-attached dwelling; orphanage; temporary dwelling structure; transitional housing; two family detached dwelling; or two family row house.

"Restaurant", lunch room, restaurant, cafeteria or other place for the service or sale of food or drinks for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles.

"Restaurant Uses", a drive-in restaurant, restaurant, or take-out restaurant.

"Restricted Industrial Use", a heavy manufacturing use typically having substantial impacts on the environment in which articles are usually mass produced from raw materials. A restricted industrial use includes but is not limited to any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot, or because of noise or vibration perceptible without instruments more than two hundred and fifty feet outside the perimeter of the lot or, if a residential district or subdistrict is within two hundred and fifty feet of the lot, at any point inside such residential district or subdistrict such as:

- Batching or casting of concrete including handling and/or storage of cement, lime, sand, stone or other aggregates.
- Curing, dyeing, washing or bulk processing feathers, felt or hair.
- Curing, dyeing, finishing or tanning fur or leather.
- Curing, drying or smoking of fish or meat.
- Disposal, handling or storage of radioactive waste.
- Distillation of wood or bones.
- Incineration or reduction of garbage, offal or dead animals.
- Manufacture of
 - Asphalt or asphalt products.
 - Charcoal, fuel briquettes, or lampblack.
 - Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic rosins, or hydrochloric, picric or sulphuric acids or derivatives.
 - Coal, coke, or tar products, including gas.
 - Fertilizers.
 - Gases in amounts exceeding two thousand cubic feet a day.
 - Gelatin, glue or size.
 - Gypsum.
 - Linoleum or oil cloth.
 - Matches.
 - Paint, turpentine or varnish.
 - Plastic (raw).
 - Rubber (natural or synthetic) including tires, tubes, or similar products.
 - Soaps or detergents, including fat rendering.
 - Reduction, refining or smelting metal or metal ores.
 - Refining petroleum or petroleum products.
 - Removal of gravel, loam, sand or stone except for re-use on the same lot or incident to the erection of a building on such lot.
 - Sewage disposal plant.
 - Solvent extracting.
 - Storage of gases in amounts exceeding ten thousand cubic feet.
 - Wool scouring or pulling.
 - Blending of disinfectants, exterminating agents, fungicides, and insecticides.

"Restricted, More, and Less", a use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

"Retail Uses, bakery, general retail business; liquor store; local retail business; outdoor sale of garden supplies; or similar use.

"Rounding Numbers, Rule For", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot to determine the Existing Building Alignment, if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

"Row House Building", or Row House, one of a group of three or more dwellings sharing a common or party wall or fire wall, on one or both side lot lines, with each dwelling having a separate entrance and having a side yard on those sides that are not attached to another dwelling.

"School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

"Scientific Laboratory", a place devoted to the testing and analysis of any product or animal, including humans. No manufacturing is conducted on the premises except for experimental or testing purposes.

"Service Uses", animal hospital; barber or beauty shop; caterer's establishment; dry-cleaning shop; kennel; laundry; photocopying establishment; repair garage; self-service laundry; shoe repair; tailor shop; or similar use.

"Shall", shall be considered mandatory and not directory.

"Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

"Sign, Area Of":

1. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.

3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.
4. Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

"Sign, Awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

"Sign, Canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

"Sign Design, Comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front or a group of buildings.

"Sign Frontage", the length along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use, as defined by Article 8; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

"Sign, Marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

"Sign, Off-Premise", a sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which the sign is located.

"Sign, On-Premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

"Social, Recreational, or Sports Center", an establishment providing facilities for social gatherings, recreation or sports, and for activities incidental to the foregoing, but not including a golf driving range, stadium, or establishments operating amusement game machines.

"Solid waste transfer station", a facility where solid wastes are brought, stored and transferred to vehicles for transport to the location of further processing or treating or ultimate disposal.

"State Building Code", the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws.

"Storage of Certain Materials", storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand, or similar material.

"Storage Uses", outdoor storage of new materials; outdoor storage of damaged vehicles; outdoor storage of junk and scrap; storage of certain materials; storage of flammable liquids and gases; storage or transfer of toxic waste; warehousing; or wrecking yard uses.

"Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, except that a space used exclusively for the housing above the roof of mechanical equipment of a building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment.

"Story, First", the lowest story of which sixty-five percent (65%) or more of the height is above grade.

"Story, Half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half (1/2) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third (7-1/3) feet above the floor, is a minimum of one-third (1/3) the area of the floor.

"Street", a public way, alley, lane, court, sidewalk and such parts of public squares and public places as form travelled parts of highways.

"Street Line", the line separating a street from a lot.

"Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a Proposed Project that fronts on a Public Street (excluding public alleys) and is below the Streetwall Height specified in a Neighborhood District article.

"Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

"Studios, Arts", a studio for professional work or teaching of music, dancing, or theatrical arts to students.

"Studios, Production", a studio for production of motion pictures, videos, radios or television.

"Sub-station", a public service facility for transforming electricity for distribution to customers.

"Take-Out Restaurant", sale over the counter, not wholly incidental to a Local Retail Business, Restaurant, or drive-in restaurant, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out. A take-out restaurant shall include any Restaurant with an Accessory Drive-Through Restaurant and any

Restaurant which primarily serves its food and beverages in disposable containers and provides disposable tableware.

"Telephone exchange", a telephone switching or transmitting service which is not automatic.

"Theatre", a structure used for dramatic, operatic, motion pictures or other performances.

"Ticket sales", a structure or building or portion thereof, for the retail sale of tickets to performing, visual arts, cultural or community events.

"Town House Building" or "Town House", one of a group of three or more buildings on one lot, sharing a common or party wall or fire wall, with each building having a separate entrance and having a side yard on those sides that are not attached to another building.

"Trade Uses", a carpenters shop; electrician's shop; photographer's studio; plumber's shop; printing plant; radio/television repair shop; taxidermist shop; upholsterer's shop; or similar use.

"Transitional Housing", a building, or portion thereof, in which temporary residential accommodations are provided for three or more persons who are not related to the owner, operator, manager or other occupants thereof by blood or by marriage.

"Transportation Uses", an airport; bus terminal; garage with dispatch; helicopter landing facility; motor freight terminal; rail freight terminal; railroad passenger station; or water terminal.

"Truck or bus servicing", yard for storing or servicing trucks or buses.

"University", an academic institution granting degrees by authority of the Commonwealth of Massachusetts. A University shall include uses such as institutional services, offices accessory to an institution, classroom buildings, administrative offices, research facilities, athletic facilities, cultural/meeting facilities, scientific/technical facilities, housing facilities, security facilities, printing and publishing facilities, teaching facilities, clinical and counseling facilities, day care facilities, extracurricular facilities, transportation and support facilities, and other related uses accessory or ancillary to the institution, and shall also include any other facility used by a university for an accessory or ancillary use.

"Usable Open Space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

Where a minimum usable open space per dwelling unit is specified in the code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use,

specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified. So much of the front, side and rear yards required by this code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this article.

Minimum usable open space per dwelling unit requirements shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

"Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

"Vehicular Uses", a carwash; gasoline station; indoor installation of automotive parts; indoor sale of automobiles and trucks; outdoor sale of new and used vehicles; parking garage; parking lot; rental agency for cars; rental agency for trucks; or truck or bus servicing uses.

"Vessel", any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a pier.

"Vessel, Commercial", any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

"Vessel, Recreational", any Vessel used principally for recreational purposes.

"Water-Dependent Uses", vessel moorage, including dock, slip, pier, wharf, anchorage, or moorage for Commercial Vessels and Recreational Vessels awaiting servicing, provisions, on or off loading of people or cargo at delivery; boat rental, including facilities for the use, hire, or charter of Commercial Vessels, recreational sailing or boating school, boat rental establishment; pedestrian facilities, including parks, esplanades, boardwalks, and other pedestrian facilities that promote public use and enjoyment of the water and are located at or near the water's edge; marine facilities, including aquarium and other cultural, educational, research, or training facilities dedicated primarily to marine purposes; passenger transportation facilities, including those serving ferries, cruise ships, commuter and excursion boats, and water shuttles and taxis; public safety facilities including navigation aids, marine police and fire stations, and other waterways public safety and law enforcement facilities; shore protection structures, including seawalls, bulkheads, revetments, dikes, breakwaters, rip rap, wave deflectors, and the like; recreational Marina; yacht club; or Water-Related Uses.

"Water-Related Uses", installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors; chandlery, woodworking shop, electrical shop, or similar use for the repair and maintenance of Vessels; sale of marine hardware, or boating or diving supplies and equipment.

"Water terminal", a water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for water-borne commodities, and rail and truck facilities accessory to a waterborne freight terminal.

"Wholesale Business", a facility for the sale of goods, merchandise, or commodities, in gross, primarily for the purpose of resale.

"Wholesale Uses", office of a wholesale business, or a wholesale business.

"Wrecking yard", wrecking and dismantling of motor vehicles.

"Yard, Front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building. Where a minimum depth of front yard is specified in this code, so much of every lot within the district specified, and devoted to the use specified, as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or in the case of lots to which the Existing Building Alignment depth applies, the distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story, and except also signs that conform with Article 11. (See also "Lot Area.")

"Yard, Rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot. Except as otherwise provided in this code, where a minimum depth of rear yard is specified for a district so much of every lot within the district, and devoted to the use, specified, as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected, except those projections allowed into side yards (see "Yard, Side, Requirements") may project the same distance into rear yards but in no case within ten feet of a rear lot line or within eight feet of an accessory building. (See also "Lot Area.")

"Yard, Side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line. Except as otherwise provided in this code, where a minimum width of side yard is specified in this code, much of every lot within the district, and devoted to the use, specified, as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards within which no planting other than shade trees shall be maintained more than six feet above the average natural grade in such yard and within which no structure shall be erected except: (a) fences and walls not over six feet in height above said average natural grade in such side yard, (b) steps, terraces, open porches without

roofs and the like, if not extending more than three feet above the floor of the first story, (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three feet of any side lot line and not extending more than three and one half feet into the side yard, (d) other fire escapes, bays, balconies, chimneys and flues, if not coming within three feet of any side lot line and not extending into the side yard more than one third of the width of such yard nor more than three and one third feet in any event, (e) belt courses, leaders, sills, pilasters, lintels and ornamental features, if not coming within three feet of any side lot and not more extending more than one foot into the side yard, and (f) cornices and gutters, if not coming within three feet of any side lot line and not extending more than two feet into the side yard. (See also "Lot Area.")

"Zoning Relief", any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 2A-2. Rules of Construction. Words importing the singular shall include the plural; and words importing the plural shall include the singular.

MEMORANDUM

December 13, 1990

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Linda Bourque, Assistant Director
Neighborhood Planning and Zoning
Muhammad Ali-Salaam, Deputy Director
Neighborhood Planning and Zoning
Sheila Maith, Special Assistant to the Director
Richard Shaklik, Senior Planner
Ellen Pinkos, Land Use Lawyer

SUBJECT: Permanent Zoning Plan Proposal and Map Amendment for the
Roxbury Neighborhood District

Executive

Summary: Pursuant to Article 27E, the Roxbury Interim Planning Overlay District, permanent zoning proposals for the Roxbury Neighborhood District are presented for public hearing and adoption. The overall goals of the Roxbury Interim Planning Overlay District include; encouraging economic development and community revitalization, promoting affordable housing, improving transportation access, encouraging neighborhood conservation and open space. Since the Roxbury Planning and Zoning Advisory Committee was formed in August 1987, an extensive public participation process has taken place and staff requests that the Boston Redevelopment Authority hear and adopt the proposed permanent zoning for the Roxbury Neighborhood District.

Overview

The Roxbury neighborhood planning process officially began in August 1987 when the Flynn Administration established the Roxbury Planning and Zoning Advisory Committee (PZAC) as a committee of the Roxbury Neighborhood Council. This 15-member group includes representatives of key community organizations and advises the city on policy and development affecting the Roxbury community. Since August 1987, there have been more than 125 IPOD-related community meetings in which approximately 700 individuals participated. Meetings were conducted in each of the 12 Roxbury Subdistricts on an average of two meetings a week.

Since the Roxbury IPOD was created, a comprehensive planning study has been developed for the 12 Roxbury Subdistricts as part of the overall goals of the Roxbury Interim Planning Overlay District (IPOD). The IPOD defined goals for the Roxbury neighborhood and established temporary zoning to assure appropriate growth and to protect the community from inappropriate uses,

permitted by the underlying zoning, while permanent zoning was being established.

Comprehensive Planning Goals

The Roxbury Neighborhood District zoning Plan implements community goals to facilitate the development of a thriving neighborhood in which to live, work, and play. The plan envisions the emergence of Roxbury as a total community, including a vibrant residential community with attractive parks and other recreational facilities supported by critical economic development, industrial and manufacturing zones and community facilities, and an integrated transportation and traffic system. Four specific goals have been developed to guide the development of the Zoning Plan:

- To encourage economic development and community revitalization;
- To promote affordable housing;
- To improve transportation access;
- To encourage neighborhood conservation and open space development.

Residential Development

To protect the existing character of Roxbury's neighborhoods, five new residential subdistricts are proposed. These subdistricts, which recognize the differences in density and development character that exist in various areas of Roxbury, include the Two-Family Subdistrict, Three-Family Subdistrict, Row House Subdistrict, Multi-Family Subdistrict, and Multi-Family Residential/Local Services Subdistrict. These residential subdistricts will:

- Maintain, enhance and promote the character of residential neighborhoods in terms of density, housing type and design;
- Provide for low and medium density multi-family housing appropriate to the existing building environment; and
- Encourage appropriate development of housing designed to enhance the neighborhood while preventing overdevelopment and poor quality construction.

Two-Family Residential Subdistricts. The Two-Family Subdistrict is designed to preserve and promote the character of two-family neighborhoods, through dimensional and use restrictions. These provisions allow new infill construction appropriate to the existing neighborhood fabric. Minor changes to existing structures that do not negatively impact upon the character of the neighborhood are allowed as-of-right, allowing homeowners to expand without going through an extensive Board of Appeal process.

Three-Family Residential Subdistricts. The Three-Family Subdistrict recognizes neighborhoods in Roxbury that have a more eclectic character than the two-family district. These areas have

a mixture of housing types--one, two, and three family. The zoning provides appropriate regulations for a diversity of low to medium density housing types; regulates appropriate infill construction; and allows as-of-right minor additions, enclosures, and conversions compatible with existing structures.

Row House Subdistricts. The Row House Subdistrict is developed to preserve, maintain and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type. Within a Row House Subdistrict dimensional requirements encourage appropriately designed infill structures.

Multi-Family Residential Subdistricts. A variety of housing types are allowed in Multi-Family Residential areas including one, two and three-family dwellings, row houses, and apartments. Corridors along several major boulevards are zoned Multi-Family Residential to create medium density spines connecting Neighborhood Shopping Areas.

Multi-Family Residential/Local Services Subdistricts. This subdistrict is similar to the Multi-Family Residential Subdistrict except that it allows ground floor commercial uses to service the day to day needs of adjacent residential areas.

Economic Development

Economic Development Areas are subdistricts established to encourage economic growth and commercial activity in a manner which is sensitive to the needs and interests of the community, to provide economic development that is of a quality and scale to enhance the surrounding neighborhood, to encourage the diversification and expansion of Boston's and Roxbury's economy, to create and retain job opportunities, and to create areas for public facilities, housing and additional public benefits to the surrounding Roxbury neighborhood.

Two EDAs are established within the Roxbury Neighborhood District:

- Greater Roxbury EDA
- Dudley Square EDA

Within the EDAs zoning provisions have been developed to encourage new economic development beneficial to the Roxbury community by establishing a more flexible zoning law and encouraging large-scale development on underutilized sites. Planning and design controls ensure quality design. Planned Development Areas (PDAs) are allowed only within the EDAs and only on specific parcels. PDAs are permitted only for development which provides public benefits to the Roxbury community including the creation of new job opportunities and the diversification and expansion of Boston's economy. Slightly greater heights and FARs are permitted for PDAs.

The development of parcels in the Greater Roxbury EDA and the Dudley Sqaure EDA through the PDA process can allow a large scale project to be developed. This process also will provide the community with full participation in the process.

Greater Roxbury EDA. The Greater Roxbury EDA includes several large publicly-owned parcels that can be developed to benefit the neighborhood economically, including:

- Douglas Plaza
- Northeastern Garage
- Schoolboy Track
- Ruggles Center
- Parcel 3
- Parcel 22

Dudley Square EDA. Within the Dudley Square EDA, PDAs are only permitted on the following parcels:

- Blair Site
- Dudley Terminal
- Parcel 9
- Parcel 10
- Post Office

Neighborhood Business

The neighborhood Business Subdistricts are established to encourage retail and small community uses which serve the residents of the Roxbury Neighborhood District and to encourage business development that provides essential goods and services and jobs and entrepreneurial opportunities for Roxbury.

In order to insure that any development within the Neighborhood Business Subdistricts is consistent with the existing high quality visual characteristics of the subdistrict, specific design guidelines have been established for these areas including screening; fencing; landscaping; screening of off-street parking lots, off-street loading areas and accessory storage areas; and signage.

Design review regulations are applicable in Neighborhood Business Subdistricts. Specific design requirements include regulations for street wall continuity, display window area regulations and display window usage. The Roxbury Neighborhood Council will play a role in the design review of any projects to be developed in these subdistricts.

Four Neighborhood Business Subdistricts are established within the Roxbury Neighborhood District:

- Egleston Square Neighborhood Shopping Subdistrict;
- Grove Hall Neighborhood Shopping Subdistrict;
- Washington Park Mall Neighborhood Shopping Subdistrict;

- St. Patrick's Neighborhood Shopping Subdistrict.

Neighborhood Shopping Districts are generally linear shopping areas along major boulevards radiating from major squares and intersections. These districts are characterized by a mixture of residential and commercial uses providing a wider range of convenience goods and services to the neighborhood. Late night and drive-up uses are limited.

Industrial Development

Industrial Development Areas are designed to encourage the expansion of the existing manufacturing and industrial base in a manner which is sensitive to the surrounding neighborhoods and to expand and provide new job opportunities within the Roxbury neighborhood.

Appropriate screening, buffering and performance standards are required to protect adjacent residential areas and the health of all residents and workers.

Two Industrial Development Areas are established within the Roxbury Neighborhood District:

- Newmarket Industrial Development Area
- Grove Hall Industrial Development Area

Community Facilities

Community Facilities Subdistricts are established to encourage the development and expansion of important community-based facilities in the Roxbury Neighborhood District. These facilities provide health, educational and cultural services to the community and are an important part of the institutional fabric of Roxbury.

Seven Community Facilities Subdistricts are established within the Roxbury Neighborhood District:

- Campus High Subdistrict;
- Community College Subdistrict;
- Dimock Street Subdistrict;
- Walnut Avenue Subdistrict;
- Warren Street Subdistrict;
- Townsend Street Subdistrict; and
- Albany Street Subdistrict.

Open Space

Sixty-two Open Space Subdistricts have been designated to protect Roxbury's 90 acres of public parkland. These subdistricts include:

- Air-rights Open Space Subdistrict;
- Cemetery Open Space Subdistrict;
- Community Garden Open Space Subdistrict;

- Recreation Open Space Subdistrict;
- Parkland Open Space Subdistrict;
- Urban Plaza Open Space Subdistrict; and
- Urban Wilds Open Space Subdistrict.

A land trust may be established within the Roxbury neighborhood District to allow the community to own and manage open space previously in public ownership.

Historic Preservation

Historic Design Districts are established as overlays to residential districts to protect the historic character of neighborhoods which give Roxbury a significant part of its unique architectural character and cultural heritage. All proposals for new development or major rehabilitation of existing structures within a Historic Design District will be reviewed to ensure that such developments defer to the existing character of the neighborhood. The size, massing, and architectural style of proposed developments must be in keeping with the character of historic buildings within the Historic Design District.

Seven Historic Design Districts are designated:

- Highland Park-John Eliot Square Historic Design District;
- St. James Historic Design District;
- Moreland Street Historic Design District;
- Mt. Pleasant Historic Design District;
- Elm Hill Park Historic Design District;
- Lower Roxbury Historic Design District; and
- Harriswood Crescent Historic Design District.

Boulevards

Boulevard Planning Districts are established to promote better quality design, improved streetscapes, and adequate screening and buffering of uses along Roxbury's principal boulevards. Boulevard Planning Districts are overlay districts in which the underlying use and dimensional requirements apply. Special design review and screening and buffering requirements are applicable in Boulevard Planning Districts.

Twelve Boulevard Planning Districts are established:

- Blue Hill Avenue;
- Columbia Road;
- Columbus Avenue;
- Dudley Street;
- Humbolt Avenue;
- Massachusetts Avenue;
- Melnea Cass Boulevard;
- Seaver Street;
- Shawmut Avenue;

- Tremont Street;
- Warren Street; and
- Washington Street.

Design Review

Design Review Will be required in architecturally significant areas and in prominent geographic areas such as neighborhood gateways or major boulevards. All large projects, regardless of location, will also be subject to design review.

Large Projects. Article 31, Development Review Requirements institute a process for the review of large scale projects that includes design review. Article 31 shall be applicable in the Roxbury Neighborhood District for all projects having a gross floor area of 50,000 gross square feet or more.

Projects not Subject to Article 31. Projects of 25,000 gross square feet or more and projects for the construction of 30 or more units of housing are subject to design review by the Boston Redevelopment Authority. Most exterior alterations within an Historic Design District or Boulevard Planning District are subject to design review by the Boston Redevelopment Authority.

Design Guidelines. Article 31 review evaluates the impact of development and includes transportation impact plans, environmental review, and an analysis of community benefits as well as design review. Determination for approval of a project for design review must meet specific design guidelines for scale, exterior proportions, massing, access and egress, window treatment, materials, colors, and architectural detailing.

Other projects subject to design review must comply with specific guidelines outlined in the Roxbury Neighborhood District.

Recommendation

The BRA staff recommends that the proposed amendment to the Boston Zoning Code, Article 50, The Roxbury Neighborhood District, be submitted to the Zoning Commission for adoption.

An appropriate vote follows:

Voted: The Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt text and map amendments for proposed final zoning of the Roxbury Neighborhood District, in substantial accord with Roxbury zoning text and map amendments submitted at its hearing of December 13, 1990.

Table A

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Hoxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Subdistricts Second Story & Above		
F	F	F	F	F	F	F	F	A
A	A	A	A	A	A	C	F	A
A								A
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	
A	A	A	A	A	A	A	A	
F	F	F	F	F	F	F	F	

Table

Economic Development Areas				Neighborhood	
<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Shopping Subdistricts</u>	
<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>
		</			

Water-Dependent Uses

Boat rental	F	F	F	F	F	F
Marina	F	F	F	F	F	F
Marine facilities	F	F	F	F	F	F
Passenger transportation	F	F	F	F	F	F
Pedestrian facilities	F	F	F	F	F	F
Public safety facilities	F	F	F	F	F	F
Shore protection structures	F	F	F	F	F	F
Vessel moorage	F	F	F	F	F	F
Water-related uses	F	F	F	F	F	F
Yacht club	F	F	F	F	F	F

Wholesale Uses

Office of wholesale business
Wholesale business

C	C	C	C	F	F	F
C	C	C	C	F	F	A

Accessory and Ancillary Uses

Accessory amusement game machines in commercial or non-commercial establishment
Accessory art use
Accessory automatic teller machine
Accessory berthing
Accessory clinic or offices for hospital
Accessory dormitory
Accessory drive-through restaurant
Accessory drive-through retail

C	C	C	C	C	F	F
A	A	A	A	A	A	A
A	A	A	A	A	A	A
F	F	F	F	F	F	F
F	F	F	F	F	F	F
F	F	F	F	F	F	F
F	F	C	C	C	F	C

Table A

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Subdistricts Second Story & Above		

Rowhouse	A	A	C	A	C	A	A	F
Temporary dwelling structure	C	C	C	C	C	C	C	F
Three family detached dwelling	A	A	C	C	C	C	A	F
Townhouse	A	A	C	C	C	C	A	F
Transitional housing	A	A	C	C	C	C	A	F
Two family detached dwelling	A	A	C	C	C	C	A	F
Two family semi-attached dwelling	A	A	C	C	C	C	A	F

Restaurant Uses

Drive-in restaurant	C	F	F	F	F	F	F	A
Restaurant	A	A	A	A	A	C	F	A
Take-out restaurant								
Small +	A	C	A	C	A	F	F	A
Large + +	C	C	C	C	C	F	F	A

Retail Uses³

Bakery								
General retail business	A	A	A	A	A	A	F	A
Liquor store	C	F	C	F	C	F	F	A
Local retail business	A	A	A	A	A	A	F	A
Outdoor sale of garden supplies	A	A	A	A	A	A	F	A

Service Uses³

Animal hospital	C	C	C	C	C	C	F	C
Barber or beauty shop	A	A	A	A	A	A	F	A
Caterer's establishment	A	A	A	A	A	A	F	A
Dry-cleaning shop	A	A	A	A	A	A	F	A
kennel	A	A	A	A	A	A	F	A

+ Total gross floor area not more than 2,500 square feet per use.

++ Total gross floor area exceeding 2,500 square feet per use.

Table 1

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Hoxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Second Story & Above		
Service Uses (cont'd)								
Laundry	A	A	A	A	A	A	F	A
Photocopying establishment	A	A	A	A	A	A	F	A
Repair garage	C	F	C	F	C	F	F	A
Self-service laundry	A	A	A	A	A	A	F	A
Shoe repair	A	A	A	A	A	A	F	A
Tailor shop	A	A	A	A	A	A	F	A
Storage Uses								
Outdoor storage of new materials	F	F	F	F	F	F	F	A
Outdoor storage of damaged vehicles	F	F	F	F	F	F	F	C
Outdoor storage of junk and scrap	F	F	F	F	F	F	F	F
Storage of certain materials	F	F	F	F	F	F	F	A
Storage of flammable liquids and gases	F	F	F	F	F	F	F	A*
Storage or transfer of toxic waste	F	F	F	F	F	F	F	F
Warehousing	F	F	F	F	F	F	F	F
Wrecking yard	F	F	F	F	F	F	F	C
Trade Uses								
Carpenter's shop	A	A	A	A	A	C	F	A
Electrician's shop	A	A	A	A	A	C	F	A
Machine shop	A	A	A	A	A	C	F	A
Photographer's studio	A	A	A	A	A	C	F	A
Plumber's shop	A	A	A	A	A	C	F	A
Printing plant	A	A	A	A	A	C	F	A
Radio/television repair	A	A	A	A	A	C	F	A

* A for storage of thirty thousand gallons or less of flammable liquids or of ten thousand cubic feet or less of gases, but F if exceeding these amounts.

Table A

	Economic Development Areas				Neighborhood Shopping Subdistricts		Community Facilities Subdistricts	Industrial Development Areas
	Greater Hoxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Institutional Uses</u> ²								
Clinic	A	A	A	A	C	A	C	C
Custodial care	C	C	C	C	C	C	C	C
Group Care, General	C	C	C	C	C	C	C	C
Hospital	C	C	C	C	F	F	C	C
Penal institution	F	F	F	F	F	F	F	C
Scientific laboratory	C	C	C	C	F	C	C	F
University	C	C	C	C	F	F	C	F
<u>Office Uses</u>								
Agency or professional office	A	A	A	A	C	A	F	A
Back office	A	A	A	A	C	A	F	A
General office	A	A	A	A	C	A	F	A
<u>Open Space Uses</u>								
Golf driving range	F	F	F	F	F	F	F	C
Grounds for sports, private	C	C	C	C	C	C	A	C
Open space	A	A	A	A	C	C	A	C
Open space recreational building	A	A	A	A	C	C	A	C
Outdoor place of recreation	A	A	A	A	C	C	A	C
for profit Stadium	C	C	C	C	F	C	C	C
Stadium	F	F	F	F	F	F	F	C
<u>Public Service Uses</u> ¹								
Automatic telephone exchange	A	A	A	A	C	C	A	A
Courthouse	A	A	A	A	C	C	A	A
Fire station	A	A	A	A	C	C	A	A
Police station	A	A	A	A	C	C	A	A
Pumping station	A	A	A	A	C	C	A	A

Economic Development Areas					
Greater Hoxbury	Dudley Square	Neighborhood Shopping Subdistricts	Community Facilities Subdistricts	Industrial Development Areas	
Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		

Public Service Uses (cont'd)

Recycling facility (excluding toxic waste)	C*	C*	C*	C*	F*
Solid waste transfer station	F	F	F	F	F*
Sub-station	C	C	C	C	A
Telephone exchange	C	C	C	C	A

Research and Development Uses²

Basic research	A	A	C	C	C	A
Biomedical technology	A	A	C	C	C	A
Pharmaceutical research and development	A	A	C	C	C	A
Product development or prototype manufacturing	A	A	C	C	C	A
Research and development	A	A	C	C	C	A
Research and medical laboratories	A	A	C	C	C	A

Residential Uses

Group Care, Limited	A	A	C	A	C	A	F
Homeless shelter	A	A	C	A	C	A	F
Lodging house	A	A	C	A	C	A	F
Mobile home	F	F	F	F	F	C	F
Mobile home park	F	F	F	F	F	C	F
Multi-family dwelling	A	A	C	A	C	A	F
One family detached dwelling	A	A	C	A	C	A	F
One family semi-attached dwelling	A	A	C	A	C	A	F
Orphanage	A	A	C	A	C	A	F

* Provided that an application for a building permit by a legally existing facility to do on-site improvements, such as enclosure of materials and the like, shall be a conditional use, and subject to the provisions of Article 6.

Table A

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Hoxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Second Story & Above		
Dormitory not accessory to a use	C	C	C	C	C	C	F	F
Fraternity	C	C	C	C	C	C	F	F
<u>Educational Uses</u> ¹								
Day care center	A	A	A	A	A	A	A	A
Elementary or secondary school	C	C	C	C	C	C	A	C
Kindergarten	C	C	C	C	C	C	A	C
Professional school	C	C	C	C	C	C	A	C
Trade school	C	C	C	C	C	C	A	A
<u>Elderly Care Uses</u>								
Convalescent home	A	A	C	C	C	C	A	F
Elderly day care center	A	A	C	C	C	C	A	F
Elderly Housing	A	A	C	C	C	C	A	F
<u>Entertainment Uses</u>								
Adult entertainment	F	F	F	F	F	F	F	F
Bar	C	C	C	C	C	C	F	C
Bowling alley	A	C	C	C	C	C	F	C
Billiard parlor	A	C	C	C	C	C	F	C
Commercial establishment operating amusement game machines								
Concert hall	C	C	C	C	F	C	A	C
Dance hall	C	C	C	C	C	C	A	C
Drive-in theatre	C	C	C	C	C	C	A	C
Non-commercial estab- lishment operating amusement game machines	F	F	F	F	F	F	F	F

Table

	Economic Development Areas						Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury	Second Story & Above	Bsmt. & First Story	Dudley Square Second Story & Above	Bsmt. & First Story	Second Story & Above	Shopping Subdistricts	Second Story & Above		
Entertainment Uses (cont'd)										
Private club	C	C	C	C	C	C	C	C	C	C
Restaurant with entertainment Social, recreational, or sports center	C	A	A	A	A	A	C	C	F	C
Funerary Uses	A						C	C	F	C
Cemetery	C						C		F	F
Cemetery extension	C	F		C	C	F	C	F	F	F
Columbarium	C	F		C	C	F	C	F	F	F
Crematory	C	F		C	C	F	C	F	F	F
Funeral home	C	C		C	C	C	C	C	F	F
Mortuary chapel	C	F		C	C	F	C	F	F	C
Hotel Uses										
Apartment hotel	A	A		C	A		F	F	F	F
Bed and Breakfast	A	A		C	A		F	F	F	F
Executive Suites	A	A		C	A		F	F	F	F
Hotel	A	A		C	A		F	F	F	F
Motel	A	A		C	A		F	F	F	F
Industrial Uses										
Art use	A	A		A	A		A	A	A	A
Artists' mixed-use	A	A		A	A		A	A	A	A
Cleaning plant	F	F		F	F		F	F	F	A
General manufacturing use	F	F		F	F		F	F	F	A
Industrial use	F	F		F	F		F	F	F	A
Light manufacturing use	F	F		F	F		F	F	F	A
Restricted industrial use	F	F		F	F		F	F	F	A

SECTION 50-46. Appendices. The following appendices are attached to and are hereby made part of this article:

Appendix A: Tables A-H.

Appendix B: Allowed Additions in Required Yards.

Roxbury Neighborhood District Use Regulations

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Second Story & Above		
<u>Banking and Postal Uses</u>								
Automatic teller machine	A	A	A	A	A	A	A	A
Bank	A	A	A	A	A	A	C	A
Check cashing business	F	F	F	F	C	C	C	A
Drive-in Bank	A	A	A	A	A	A	C	C
Post office	A	A	A	A	A	A	A	A
<u>Community Uses</u>								
Adult education center	A	A	A	A	A	A	A	C
Community center	A	A	A	A	A	A	A	C
Library	A	A	A	A	C	A	A	A
Place of worship	A	A	A	A	A	A	A	A
Residence for members of religious order	A	A	A	A	C	A	A	A
<u>Cultural Uses</u>								
Art gallery	A	A	A	A	A	A	C	C
Art metal craft shop	A	A	A	A	A	A	C	A
Auditorium	A	A	A	A	A	A	C	A
Museum	A	A	A	A	C	A	C	C
Music store	A	A	A	A	C	A	C	C
Musical instrument repair	A	A	A	A	A	A	C	C
Public art, display space	A	A	A	A	A	A	C	A
Studios, arts	A	A	A	A	A	A	C	A
Studios, production	A	A	A	A	C	C	C	A
Theatre	A	A	A	A	C	C	C	A
Ticket sales	A	A	A	A	C	C	C	C

10. **Rear Yards of Through Lots.** The Front Yard requirements of this code, and not the Rear Yard requirements of this article, shall apply to that part of a Rear Yard which is also a Street Line except in the case of a Rear Yard which abuts a street less than twenty feet in width.

11. **Rear Yards of Certain Shallow Lots.** For each full foot by which a Lot existing at the time this article takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this article for the Rear Yard thereof; provided that in no event shall the Rear Yard of any such Lot be less than ten feet deep.

12. **Underground Encroachments in Yards.** In any district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

13. **Two or More Dwellings on Same Lot.** Where a dwelling (other than a temporary dwelling) designed for occupancy or occupied by one or more families is on the same lot as, and to the side of, another dwelling or other Main Building, the distance between such dwelling and such other dwelling and/or building shall be not less than twice the minimum Side Yard depth required by this article for such other dwelling or Main Building; and the requirements of this article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such dwelling were on a separate lot. A dwelling shall not be

built to the rear of another dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

14. **Two or More Buildings on One Lot.** If on one lot there are two or more Main Buildings or dwellings, including temporary dwellings, the yard requirements of this article shall apply at each actual lot line and not as if each Building were on a separate Lot.

SECTION 50-43. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this article and not conforming to the applicable dimensional requirements specified in other provisions of this article, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 50-44. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 50-45. **Severability.** The provisions and requirements of this article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this article.

area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

4. **Front Wall of Building Not Parallel to Front Lot Line.** If the front wall of a Building is not parallel to the front Lot line, but the average distance between such wall and such lot line is no less than the minimum Front Yard depth otherwise required by this article, and the distance between such wall and such Lot line is at no point less than three fourths of the minimum Front Yard depth so otherwise required, the requirements of this article shall be deemed to be met.
5. **Special Provisions for Corner Lots.** If a Lot abuts on more than one street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided below. The Front Yard requirements of this code, and not the Side Yard requirements of this article, shall apply to that part of a side Lot Line which is also a Street Line extending more than one hundred feet from the intersection of such line with another Street.
6. **Side Wall of Building Not Parallel to Side Lot Line.** If the side wall of a Building is not parallel to the side Lot Line nearest to it, but the average distance between such wall and such Lot Line is no less than the minimum Side Yard width otherwise required by this article, and the distance between such wall and such lot line is at no point less, in the case of a side Lot Line which is not also a Street Line, than three-fourths of the minimum side yard width so otherwise required, and in the case of a side Lot Line which

is also a Street Line, than one-half of the minimum Side Yard width so otherwise required, the requirements of this article shall be deemed to be met.

7. **Side Yards of Certain Narrow Lots.** For each full foot by which a Lot existing at the time this article takes effect is narrower than the minimum Lot Width specified for such lot in this code, or, if no minimum Lot Width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this article for each Side Yard thereof; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than eight feet wide, or in any other subdistrict less than six feet wide. No Side Yard in which there is a driveway providing access to off-street parking, or off-street loading facilities required by this article shall be less than ten feet in width.

8. **Accessory Buildings in Rear Yards.** Accessory buildings may be erected in a Rear Yard; provided that no such Building is more than fifteen feet in height or nearer than four feet to any Side Lot Line.

9. **Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a Building is not parallel to the rear Lot Line and the rear lot line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum rear yard depth otherwise required by this article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum rear yard depth so otherwise required, the requirements of this article shall be deemed to be met.

- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot and fifty percent of which may be no less than seven feet in width and eighteen feet in length, and the remainder shall be no less than eight and one half feet in width and twenty feet in length, in both instances exclusive of maneuvering areas and access drives.
7. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 50-42. Application of Dimensional Requirements.

1. **Exceptions to Minimum Lot Size Requirements.** If the requirements of this article with respect to Open Space and to front, rear and side yards are met, the minimum Lot Size and minimum Lot Width requirements of this article shall not prevent the construction, reconstruction or alteration of a single family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this article takes

effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting the minimum Lot Size and minimum Lot Width requirements except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a Lot not meeting such requirements except that said Board shall not grant such permission for any Lot not meeting three fourths of the minimum Lot Size or minimum Lot Width requirements unless more than one half of the lots within the same Block have Buildings erected thereon and do not meet three fourths of such requirements.

2. **Conformity with Existing Building Alignment.** If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more buildings fronting on the same side of the same street as such Lot, instead of the minimum Front Yard depth specified in this article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. **Traffic Visibility Across Corner.** Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half feet above the curb of the abutting Street shall be maintained within that part of the required Front Yard which is within the triangular

4. **Mixed Uses.** If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use and the required number of off-street loading spaces shall be the total of the required number of off-street loading spaces for each use; provided, however, that, subject to the provisions of Sections 6-2, 6-3, and 6-4 and after public notice and hearing, the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that so-called "shared parking" arrangements, in which a single parking space may be counted for different uses whose peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. **Location.**

- (a) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on the particular Lot is for Residential Uses and the other lot is within four hundred feet of the particular Lot; and (2) where the

main use on the particular lot is for non-Residential Uses and the other lot is within twelve hundred feet of the particular lot.

- (b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use or the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that "shared-parking" arrangements, in which a single parking spaces be counted for different uses which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

6. Design. All off-street parking facilities provided to comply with this Article shall met the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

4. Landscaping required by this section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering.
5. Disposal areas, dumpsters, and ground-mounted mechanical equipment located along a Front Lot Line adjacent to a Street shall be screened from view as provided below. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
6. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material. In an IDA, this requirement shall apply only if such mechanical equipment is located on a Lot which abuts a Residential Subdistrict, or is located on a Lot fronting on Massachusetts Avenue or Melnea Cass Boulevard.
7. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this section. In an IDA, for all Storage Uses as identified in Table A, any material or equipment stored to a height greater than four (4) feet above grade level shall be surrounded by an opaque wall or fence not less than six (6) feet high.

MISCELLANEOUS PROVISIONS

SECTION 50-41. Off-Street Parking and Loading Requirements. For any Proposed Project subject to or electing to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table H and the minimum required off-street loading spaces are as set forth in Table H.

1. Uses Not Divided into Dwelling Units. For the purposes of Table H, where a use is not divided into dwelling units:
 - (a) if sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two people, each four beds shall constitute one Dwelling Unit.
2. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
3. Pre-Code Structures. If a Structure existing on the effective date of this article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

SECTION 50-40. Roxbury Neighborhood District Screening and Buffering

Requirements. In order to ensure that the commercial, industrial, and boulevard districts of the Roxbury Neighborhood District develop into attractive and appropriately landscaped areas which enhance the neighborhood and streetscape the following screening and buffering requirements apply in Neighborhood Business Subdistricts, Boulevard Planning Districts, Industrial Development Areas, and to off-street parking facilities and lots in Residential Subdistricts.

1. Where any Proposed Project, except a Proposed Project for a Residential Use listed in Table B to this article, abuts a Residential Subdistrict, such Proposed Project shall provide and maintain along the property line(s) abutting such Residential Subdistrict a screen that consists of one of the following combinations of plant materials and fencing:
 - a. A strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad coated-link fence with or without redwood strips woven through it, at least six (6) feet high, but not more than eight (8) feet above finished Grade;
 - b. A strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least sixty percent (60%) opaque and at least six (6) feet high, but not more than eight (8) feet above finished Grade; or
 - c. Masonry piers and/or walls in conjunction with other materials such as steel pickets may be used, at least six (6) feet high but not more than eight (8) feet above finished Grade.

2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas located along a Front Lot Line adjacent to a Street shall be screened from view as provided below. Except as limited by Section 50-42(3), such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than three (3) feet and no more than four (4) feet high; provided that in an IDA such screening shall consist of trees and shrubs densely planted in a strip at least three (3) feet wide on the inside edge of a steel-picket or stockade or board type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than four (4) feet high and no more than six (6) feet high. All parking lot lighting shall be designed to shine entirely on the lot. All parking lots shall be accessible to the handicapped.
3. Shrubs required by this section may be of deciduous or evergreen, or a mixture of both types, densely planted to provide a mature appearance within three (3) years. Trees required by this section may be deciduous or evergreen, or some combination of both types. Deciduous trees shall be minimum three- (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary.

Section 50-39, the Proposed Project shall be deemed subject to the design review provisions of said Section 50-38 for the limited purpose of determining an appropriate Street Wall location. A Proposed Project shall comply with the requirements of this Subsection with respect to each facade facing a public street, but excluding alleys and private ways.

Except as otherwise provided in this Subsection 50-39, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. Further, larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects neither subject to nor electing to comply with the development review requirements of Article 31 or the design review requirements of Section 50-38, recesses not exceeding fifteen feet in depth, and not affecting more than fifty percent (50%) of the surface area of the Street Wall Plane shall be permitted. Further, Bay Windows shall be permitted to extend from the Street Wall Plane above the ground floor ceiling height provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall Plane. For Proposed Projects which are subject to or elect to comply with the development review requirements of Article 31 or the design review requirements of Section 50-38, recesses and Bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31 or the design review provisions of Section 50-38.

b. **Display Window Area Regulations.** For the purposes of this section, the term "Display Window Area" means that area of the Street Wall of any Structure that is between Grade and the Ground Floor Ceiling Height (or the roof structure if only a one-story Structure), or fourteen (14) feet, whichever is less, and excludes any area of Street Wall serving as access to off-street loading berths or accessory off-street parking.

(1) **Display Window Area Transparency.** At least seventy (70%) of the Display Window Area between two (2) feet above Grade and eight (8) feet above Grade of Retail Uses, and fifty percent (50%) of the Display Window Area between three (3) feet above Grade and eight (8) feet above Grade of Service Uses and Trade Uses, shall be glazed and transparent. Article 11 of this code applies to any painting or signs on the Display Window Area. That portion of the Display Window Area required by this section to be transparent glazing shall not be obstructed by more than fifty percent (50%) by signs on or behind such glazing.

(2) **Display Window Area Usage.** To a depth of at least two (2) feet behind the Display Window Area there shall be: (a) an area for the display of goods and services available for purchase on the premises; or (b) an area for exhibits and announcements; provided, however, that no such areas shall be required in the case of a display window that provides pedestrians with a view of the Retail Uses, Service Uses, or Trade Uses, as the case may be, being conducted on the premises.

residential structures. The removal or alteration of any historic or architectural feature should be held to a minimum.

13. Distinctive features such as the size, scale, mass, color, and building materials shall be retained, if possible, when rehabilitating residential buildings. This should include roofs, roof profiles, existing window and door openings, steps, porches, and other features that give a neighborhood its distinguishing character.
14. Deteriorated architectural features should be repaired rather than be replaced, wherever possible, when rehabilitating residential buildings. In the event that replacement is necessary, the new material should match the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features or on other buildings of the same style and period.
15. Contemporary design for additions to existing residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the existing structure and surrounding neighborhood environment. Alterations to create earlier or later appearances shall be discouraged.
16. New residential construction shall reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and

neighboring structures. In addition, the location of the buildings shall respect significant landscape features on the site.

17. New residential construction shall respect certain standards of scale in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all shall be consistent with the surrounding architecture and environment.

SECTION 50-39. Specific Design Requirements. In a Neighborhood Business Subdistrict, the Greater Roxbury EDA, the Dudley Square EDA, a Community Facilities Subdistrict, and a Boulevard Planning District, any Proposed Project which includes a Retail Use, Service Use, or Trade Use, shall comply with the following design requirements:

- a. **Street Wall Continuity.** The Street Wall of any Structure subject to this provision shall be built to be coextensive with the Building Line, as defined in Article 2A, of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then said Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said Block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or elects to comply with the development review provisions of Article 31 or the design review requirements of Section 50-38, an appropriate Street Wall location shall be determined in the development review or design review process, as the case may be, or (ii) otherwise, notwithstanding any contrary provision of

1. Site planning, including location of buildings, open space, and vehicular access and parking areas, shall be designed to enhance the street frontage and surrounding building and spaces.
2. Vehicular access and egress to a site shall provide safe visual access for drivers and pedestrians.
3. When possible, parking shall not be located in front of buildings. Parking and storage areas should be located behind buildings, and the provisions of Section 50-40 shall be applicable.
4. Design features of a Proposed Project for residential or commercial uses shall take into consideration any special characteristics of the site and its location, and shall enhance and reinforce any historic qualities of existing structures.
5. Setbacks, corner treatments, and other design details shall be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
6. Roofs of buildings shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy.
7. A clearly defined zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an

articulation of the facade without changing color. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be limited in accordance with Section 50-21.

8. New or rehabilitated commercial buildings shall be compatible with the height and architectural character of older commercial buildings.
9. Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements shall be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs, in accordance with Section 50-39, relating to streetwall continuity and display windows.
10. Storefronts shall be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture.
11. Landscaping and screening should be used to make commercial subdistricts more attractive, and to provide screening between commercial and residential uses. The screening and buffering requirements set forth in Section 50-40 shall be applicable.
12. New or rehabilitated residential buildings shall reflect and complement the patterns of height, siting and architectural character of the surrounding

located in an Historic Design District which is subject to design review pursuant to this section, shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty (30) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the guidelines set forth in Section 50-38. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said thirty (30) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report, and if no such findings are transmitted to the Inspectional Services Department within forty-five (45) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 50-38 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section and Section 50-38 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

- b. **Procedure for Approval of Proposed Project not located in an Historic Design District.** Each application for a permit for a Proposed Project not located in an Historic Design District which is subject to design review pursuant to this section, shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 50-38 or is not consistent with the guidelines set forth in Section 50-38; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 50-38 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section and Section 50-38 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 50-38. Design Guidelines for the Roxbury Neighborhood District.

For any Proposed Project in the Roxbury Neighborhood District subject to design review by the Boston Redevelopment Authority, the following design guidelines shall be applied; provided, however, that for any Proposed Project in an IDA, only those design guidelines numbered one (1) through ten (10) shall be applied.

DESIGN AND DEVELOPMENT REVIEW REQUIREMENTS

SECTION 50-37. Roxbury Neighborhood District Design and Development

Review Requirements. In order to ensure that growth in the Roxbury Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the following regulations apply.

1. Applicability of the Development Review Requirements of Article 31 to Large Projects. The provisions of Article 31, Development Review Requirements, other than Section 31-3, shall be applicable in the Roxbury Neighborhood District for a Proposed Project which has a gross floor area of 50,000 square feet or more. In addition, a Proposed Project, not otherwise subject to the provisions of Article 31, for the construction of thirty or more units of housing (but not including rehabilitation or alteration projects unless they result in a net increase of thirty or more units over existing units), shall comply with the Transportation Access Plan requirements of Section 31-6 and with the design review requirements of Section 50-39 below. The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with this Section.
2. Applicability of Design Review to Certain Projects Not Subject to Article 31. The provisions of this Subsection 2 shall apply only to Proposed Projects not otherwise subject to the comprehensive development review requirements of Article 31, pursuant to Subsection 1, above.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority: (i) those Proposed Projects where one Applicant seeks to erect one or more new buildings, or an addition, or an extension to one or more existing buildings, which new building or buildings, addition, or extension, has an aggregate gross floor area of 25,000 gross square feet or more; (ii) any Proposed Project to erect a new building or structure in an Historic Design District; (iii) exterior alteration affecting more than three hundred (300) square feet of a Proposed Project visible from any public street or public open space within an Historic Design District or BPD; or (iv) exterior alteration changing the roof shape, cornice line, height of Street Wall, or Building Height of an existing Building within an Historic Design District or BPD. However, those Proposed Projects within a BPD in which the underlying subdistrict is an IDA shall not be subject to design review pursuant to (iii) and (iv) above.

The provisions of this subsection shall not apply to any area within an Historic Design District subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission with design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project subject to the provisions of Section 50-37 and Section 50-38 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- a. **Procedure for Approval of Proposed Project Located in an Historic Design District.** Each application for a permit for a Proposed Project

REGULATIONS APPLICABLE IN HISTORIC DESIGN DISTRICTS AND BOULEVARD PLANNING DISTRICTS

SECTION 50-35. Establishment of Historic Design Districts. This Section establishes the following Historic Design Districts as overlays to residential subdistricts, within the Roxbury Neighborhood District. The Historic Design Districts are established to protect the historic character of these neighborhoods which give Roxbury its unique architectural character. While development of housing within these Historic Design Districts is encouraged, new construction or rehabilitation which preserves and complements the character of the existing housing stock will enhance the historic quality of these neighborhoods. Within the Historic Design Districts, special design review requirements apply as set forth in Section 50-38. All uses, dimensional and other provisions applicable to the underlying residential subdistricts are applicable within the Historic Design Districts. The Historic Design Districts are located as designated on "Map 6A Roxbury Neighborhood District":

1. Highland Park - John Eliot Square Historic Design District;
2. St. James Historic Design District;
3. Moreland Street Historic Design District;
4. Mt. Pleasant Historic Design District;
5. Elm Hill Park Historic Design District;
6. Lower Roxbury Historic Design District; and
7. Harriswood Crescent Historic Design District.

SECTION 50-36. Establishment of Boulevard Planning Districts. This section establishes Boulevard Planning Districts ("BPDs") as overlays to underlying subdistricts, as designated on "Map 6A Roxbury Neighborhood District". The BPDs are an acknowledgement of the significance of major boulevards as the

entryways to Roxbury's neighborhoods. As gateways to the residential areas they establish a design image and are focal points for the surrounding neighborhoods. Any development in these areas should be designated to enhance the visual image of the area and its economic vitality. Within the BPDs, special design review requirements and screening and buffering requirements apply as set forth in Section 50-38 and Section 50-40. All use regulations, dimensional regulations, and other provisions applicable to the underlying subdistricts are applicable within the BPDs. The BPDs extend one hundred (100) feet in each direction from the center line of each of the following boulevards.

- a. Blue Hill Avenue
- b. Columbia Road
- c. Columbus Avenue
- d. Dudley Street
- e. Humboldt Avenue
- f. Massachusetts Avenue
- g. Melnea Cass Boulevard
- h. Tremont Street
- i. Seaver Street
- j. Shawmut Avenue
- k. Warren Street
- l. Washington Street

TABLE 3

Open Space Subdistricts in the Roxbury Neighborhood District

<u>Subdistrict Designation</u>	<u>Location/Name</u>
Air Rights	Greater Roxbury EDA
Cemeteries	Eliot Cemetery Eustis Street
Urban Wilds	Alpine Cedar Street Dudley Cliffs Fountain Street John Eliot Square Puddingstone Garden Rockledge Street Warren Gardens 20 Townsend/6 Brinton
Community Gardens	Bessie Barnes Garden 403-405 Dudley Street 10, 12, 14 Highland Avenue 42 Highland Avenue Kendall and Lenox St. Garden 51-65 Maywood Street Sarnac/New Castle Garden 54-60 Savin Street St. Joseph's Garden Warwick Street Garden 25 Winthrop Street
Recreation	Beauford Play Area Brunswick-King Play Area Carter Playground Ceylon Hill Park Ceylon Street Playground Children's Park Clifford Playground Connolly (Marcella) Park Crawford Street Playground Eustis Street Play Area Hannon Playground Highland Park Howes Playground Jeep Jones Park King School Park Kittredge Park

Subdistrict
Designation

Location/Name

Parklands

Lambert Avenue (Dorr) Playground
Laviscount Plaza
Little Scobie Playground
Malcolm X Park
Mt. Pleasant Avenue
Orchard Park
Quincy Street Play Area
Ramsey Park
Roxbury Business Park
Trotter School Playground
Walnut Park Play Area
Whittier Playground
Winthrop Playground

Cedar Square
Chester Park
Denton Square
Elm Hill Park
6 Harold Park/9-23 Harold Park
Horatio Harris Park
Hyman Hillson Park
8 Kensington/11 Mayfair
Linwood Park
Public Ground
Puddingstone Park
St. James Street Park
Parcel P-3A
178 Walnut/25 Harold Street
Wolf Square

Urban Plaza

Grove Hall Urban Plaza

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 50-34. Establishment of Open Space Subdistricts. This section establishes open space subdistricts in the Roxbury Neighborhood District indicated on Table 3, below, of this section, and shown on "Map 6A Roxbury Neighborhood District". A land trust comprised of residents and representatives of community organizations and businesses may be established within the Roxbury Neighborhood District to own and manage open space which was previously in the ownership of public agencies. Any Lot within any open space subdistrict is subject to the provisions of this Code applicable to such subdistrict, including without limitation, Article 33, Open Space Subdistricts.

1. **Air-Rights Open Space Subdistrict.** Air-Rights open space subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Rights open space subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. **Cemetery Open Space Subdistrict.** These subdistricts are designated for interment uses, and are subject to provisions of Section 33-14 of the Code.
3. **Community Garden Open Space Subdistrict.** These subdistricts consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural or horticultural commodity and are subject to the provisions of Section 33-8 of the Code.

4. **Recreation Open Space Subdistrict.** Recreation open space subdistricts shall consist of land appropriate for and limited to active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10 of the Code.
5. **Parkland Open Space Subdistrict.** Parkland open space subdistricts shall consist of land appropriate for and limited to passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land, and are subject to the provisions of Section 33-9 of the Code.
6. **Urban Plaza Open Space Subdistrict.** Urban Plaza open space subdistricts shall consist of land appropriate for and limited to passive recreational uses; and are subject to the provisions of Section 33-15 of the Code.
7. **Urban Wilds Open Space Subdistrict.** Urban Wilds open space subdistricts shall consist of land not in the city's park system which includes undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters and are subject to the provisions of Section 33-15 of the Code.

- c. Any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the Lot.
 - d. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
2. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare of a significant quantity and duration detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the Lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the Lot upon which a use is located if the Lot abuts or is across the Street from a residential subdistrict.

SECTION 50-32. Use Regulations Applicable in Industrial Development Areas. Within an IDA in the Roxbury Neighborhood District, the uses, identified in Table A of this article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-33. Dimensional Regulations Applicable in Industrial

Development Areas. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space required for any Lot in an Industrial Development Area and the maximum allowed Floor Area Ratio and Building Height for such Lot shall be as provided in Table G of this article.

See diagram which demonstrates these requirements in Appendix B.

4. **Lot Frontage.** Within a Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table F of this Article for such Lot, and, in addition, each Detached Dwelling; Semi-Attached Dwelling and Row House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width. (See also Section 50-42-1.)

5. **Accessory buildings.**

- a. In a Residential Subdistrict, an Accessory Building may extend into a Side Yard but not for more than one third of the width of such Side Yard, except that no part of any such Building nearer to the front Street Line than seventy-five feet or, three fourths of the depth of the Lot, shall extend into any Side Yard.
- b. In a Residential Subdistrict, an Accessory Building may be erected in a Rear Yard; provided that no such Building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further that the accessory buildings in any one Rear Yard shall not occupy in the aggregate a greater percentage of such Rear Yard than that specified in Table F.

REGULATIONS APPLICABLE IN INDUSTRIAL DEVELOPMENT AREAS

SECTION 50-30. Establishment of Roxbury Industrial Development Areas.

This sections establishes two Industrial Development Areas ("IDAs") within the Roxbury Neighborhood District. IDAs are designed to encourage the expansion of the existing manufacturing and industrial base in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Roxbury Neighborhood District. The Economic Development and Industrial Corporation ("EDIC"), as the agency with the responsibility for coordinating and implementing the Industrial Development Plan for the City of Boston, will play an ongoing and active role in overseeing the direction of growth and development in the IDAs. Within the IDAs, screening and buffering requirements apply as set forth in Section 50-40. The IDAs are located as designated on "Map 6A Roxbury Neighborhood District":

1. Newmarket Industrial Development Area; and
2. Grove Hall Industrial Development Area.

SECTION 50-31. Performance Standards for All Uses. Within the Industrial Development Areas of the Roxbury Neighborhood District, each use shall comply with the provisions of this section.

1. None of the following effects will be allowed:
 - a. Any emissions beyond the boundaries of the Lot in quantities that endanger human health or causes damage to vegetation or property.
 - b. Any emission of radioactivity or any biohazard that exceeds the applicable local, state, or federal regulations.

SECTION 50-29. Dimensional Regulations Applicable in Residential

Subdistricts.

1. Lot Size, Lot Width, Frontage and Yard Requirements. The minimum Lot Size, Lot Width, Lot Frontage, minimum Usable Open Space per dwelling unit and Front Yard, Side Yard, and Rear Yard, required for any Lot in a Residential Subdistrict shall be established by: (i) determining whether the Lot is located in a zone designated "4000" (minimum Lot Size of 4,000 square feet), "5000" (minimum Lot Size of 5,000 square feet), "6000" (minimum Lot Size of 6,000 square feet), "7000" (minimum Lot Size of 7,000 square feet), or "8000" (minimum Lot Size of 8,000 square feet) as shown on Map 6A, Roxbury Neighborhood District and (ii) determining the dimensional requirements applicable to the pertinent zone by reference to Table F of this article.
2. Building Height and Floor Area Ratio: Within Residential Subdistricts, the maximum allowed Building Height is set forth in Table F. The maximum allowed FARs are as follows:
 - (a) Within Two-Family Residential Subdistricts the maximum allowed FAR is 0.6.
 - (b) Within Three-Family Residential Subdistricts, the maximum allowed FAR is 0.8.
 - (c) Within Row House Residential Subdistricts, the maximum allowed FAR is 1.

(d) Within Multi-Family Residential Subdistricts the maximum allowed FAR is 1.

(e) Within the Multi-Family Residential/Local Services Subdistricts the maximum allowed FAR is 1.

3. Allowed Additions in Required Yards. Within a Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, additions to existing Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Dwelling or Main Building is already nonconforming with respect to that yard; provided that such non-conformity affects at least seventy percent (70%) of the total length of the wall facing such required yard. The extension of the line formed by the principal alignment of the nonconforming wall of the Dwelling or Main Building shall be the limit to which the addition may be built. The addition may extend up to the applicable maximum Building Height and may include a basement addition. The Floor Area Ratio of the existing Dwelling or Main Building together with the new addition shall not exceed the maximum allowed Floor Area Ratio specified for the subdistrict. The addition to the nonconforming wall or walls shall comply with the following requirements:

a. Side Yard: When it is a side wall, it is at least five (5) feet from the Side Lot Line and ten (10) feet from an existing Dwelling or Main Building on an abutting lot.

b. Rear Yard: When it is a rear wall, it is at least twenty (20) feet from the Rear Lot Line.

3. Row House Residential Subdistricts, as indicated by the designation "RH" on said Map. The Row House Subdistricts are established to preserve, maintain, and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type. There shall be a limit of four (4) dwelling units per individual Row House Building in the Row House Residential Subdistricts.
4. Multi-Family Residential Subdistricts, as indicated by the designation "MFR" on said Map. The Multi-Family Residential Subdistricts are established to encourage medium density multi-family areas with a variety of allowed housing types including one, two and three family dwellings, row houses, and apartments. There shall be a limit of four (4) dwelling units per individual Row House Building or Town House Building in the Multi-Family Residential Subdistricts.
5. Multi-Family Residential/Local Services Subdistricts, as indicated by the designation "MFR/LS" on said Map. The Multi-Family Residential/Local Services Subdistricts are established to encourage medium density, multi-family areas with a variety of allowed housing types including, two, and three family dwellings, row houses, apartments, and ground floor retail. There shall be a limit of four (4) dwelling units per individual Row House Building or Town House Building in the Multi-Family Residential/Local Service Subdistricts.

SECTION 50-27. Provision of Affordable Housing. The provision of opportunities for the development of Affordable Housing is critical in Roxbury, as

it is throughout the City of Boston. This section establishes several housing priority areas in order to promote and encourage the construction of affordable housing. All parcels of land within these areas are owned by a public agency and comprise at least one acre, either individually or in combination with contiguous parcels owned by another public agency. Three-fourths of the gross floor area of any Proposed Project within these areas is devoted to residential uses, three-fourths of which are affordable to Low- and Moderate-Income Households. The provision of affordable housing within the Roxbury Neighborhood District shall not be limited to these areas, and is, in fact, encouraged throughout the Roxbury Neighborhood District.

The Affordable Housing Areas within the Roxbury Neighborhood District include the following sites:

- a. Parcel 9 in the Dudley Square EDA;
- b. the Bartlett Yards presently owned by the MBTA.

SECTION 50-28. Use Regulations Applicable in Residential Subdistricts.

Within the Residential Subdistricts of the Roxbury Neighborhood District, the uses, identified in Table B of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table B. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location.

identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-25. Dimensional Regulations Applicable in Community Facilities Subdistricts. Within Community Facilities Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is two (2), except within the Walnut Avenue Subdistrict, where the maximum allowed Building Height is thirty-five (35) feet and the maximum allowed FAR is one (1). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space is set forth in Table E of this article.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 50-26. Establishment of Residential Subdistricts. This Section establishes Residential Subdistricts within the Roxbury Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low and medium density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Subdistrict while preventing overdevelopment and poor quality of construction. These Residential Subdistricts are indicated as follows on "Map 6A Roxbury Neighborhood District":

1. Two-Family Residential Subdistricts, as indicated by the designation "2F" on said Map. The Two-Family Residential Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F subdistrict the maximum number of dwelling units allowed in a single structure shall be two (2).
2. Three-Family Residential Subdistricts, as indicated by the designation "3F" on said Map. The Three-Family Residential Subdistricts are established to encourage low density multi-family areas with a variety of housing types appropriate to the existing fabric including one, two, but no more than three family dwellings. In a 3F subdistrict the maximum number of dwelling units allowed in a single structure, in a Town House Building, or in a Row House Building shall be three (3).

- (c) A free standing Sign shall not have an area in excess of fifteen (15) square feet for each use, as defined by Article 2A, on the Lot, and the top of such Sign shall not be higher than ten (10) feet above Grade.

SECTION 50-22. Additional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, screening and buffering requirements apply as set forth in Section 50-40, and design review regulations as set forth in Section 50-38, may be applicable.

**REGULATIONS APPLICABLE IN COMMUNITY
FACILITIES SUBDISTRICTS**

SECTION 50-23. Establishment of Community Facilities Subdistricts. This Section establishes eight (8) Community Facilities Subdistricts within the Roxbury Neighborhood District. These subdistricts are established to encourage the development and expansion of important community-based facilities in the Roxbury Neighborhood District, which provide health, educational and cultural services to the community and are an important part of the institutional fabric of the Roxbury community. The Community Facilities Subdistricts are located as designated on "Map 6A Roxbury Neighborhood District".

1. Campus High Subdistrict;
2. Community College Subdistrict;
3. Dimock Street Subdistrict;
4. Walnut Avenue Subdistrict;
5. Warren Street Subdistrict;
6. Roxbury Heritage State Park Subdistrict;
7. Townsend Street Subdistrict; and
8. Albany Street Medical Area Subdistrict.

SECTION 50-24. Use Regulations Applicable in Community Facilities Subdistricts. Within the Community Facilities Subdistricts, the uses, identified in Table A of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 50-18. Establishment of Neighborhood Business Subdistricts. This Section establishes four Neighborhood Business Subdistricts within the Roxbury Neighborhood District. All four Neighborhood Business Subdistricts are Neighborhood Shopping Subdistricts, a type of Neighborhood Business Subdistrict which encourages smaller retail and community uses which serve the residents of the Roxbury Neighborhood District, and encourages the development in these areas of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Roxbury community. The Neighborhood Shopping Subdistricts are located as designated on "Map 6A Roxbury Neighborhood District":

1. Egleston Square Neighborhood Shopping Subdistrict;
2. Grove Hall Neighborhood Shopping Subdistrict;
3. Washington Park Mall Neighborhood Shopping Subdistrict; and
4. St. Patrick's Neighborhood Shopping Subdistrict.

SECTION 50-19. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, the uses identified in Table A of this article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-20. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space is set forth in Table D of this article.

SECTION 50-21. Sign Regulations Applicable in Neighborhood Business Subdistricts. In Neighborhood Business Subdistricts there shall not be any sign except as provided in Article 11 and this section. Notwithstanding any provisions of Section 11-2 to the contrary, in any Neighborhood Business Subdistrict:

- (a) The total area, as defined in Article 2A, in square feet of all permanent Signs on a Sign Frontage, as defined in Article 2A, except for signs on windows above the first floor, free standing signs, directional signs, and public purpose signs listed in items (g) and (k) inclusive of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2);
- (b) A Sign attached at right angles to a building shall not have an area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no more than seventy-five percent (75%) of every hour; and

development area unless all drawings and specifications therefor shall have been subjected to design review and approved by said Boston Redevelopment Authority and recommendations by the Roxbury Neighborhood Council or any successor organization shall have been considered as part of the design review process. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of the Boston Redevelopment Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which said permit relates. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this Article applicable to the subdistrict in which the area is located.

6. **Amendment of Development Plan.** In a PDA, a Proposed Project which is not the subject of the Development Plan approved for the PDA shall not proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 50-12 and this Section 50-16.

A Proposed Project for the reconstruction of a Structure in existence in a PDA as of the date of Development Plan approval and described in said

Development Plan, or of a Structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original Structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

SECTION 50-17. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 50-16. Approval Process. This section establishes a process for approving Proposed Projects in the Greater Roxbury EDA through use of the Planned Development Area overlay district.

1. **Development Plan Approval Process.** To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval. A Proposed Project within a PDA may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this article and the Code, so long as a Proposed Project as a whole is consistent with the provisions of this article and the Code.
2. **Expedited Review.** No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.
3. **Coordination with Article 31.** The approval by the Boston Redevelopment Authority of a Development Plan shall fully satisfy the requirements of Article 31, and upon application, or at any time during the application process, the Applicant may request the Boston Redevelopment Authority to deem any document filed under Article 31 (i.e., a Project Notification Form, Draft Project Impact Report, or Final Project Impact Report) that meets the provisions of Section 50-12 and Section 50-13 as the proposed Development Plan. In its approval of the Development Plan, the Boston Redevelopment

Authority may require additional information, studies, and mitigation measures which are within the scope of its jurisdiction under Article 31.

4. Zoning Commission Approval Only; No Board of Appeal Action Required.

Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. After transmittal of the Development Plan by the Boston Redevelopment Authority to the Zoning Commission, the Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or is subsequently entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan and which shall supersede Articles 8, 13 and 14-24 of the Code, and the Proposed Project, and the parcels or lots and improvements thereon, which are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this article and the code, so long as the same are consistent with the provisions of the approved Development Plan and the other applicable provisions of the code. Nothing in this article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the building height and FAR provisions set forth in Section 50-14 are not permitted.

5. Consistency with Development Plan. To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned

regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.

Any Proposed Project dedicated to or supportive of the uses enumerated in subparagraphs (a) (b) and (c) is subject to the Guide for the Care and Use of Animals of the National Institute of Health; the Animal Welfare Act and other federal regulations pursuant to the act; and the Public Health Service Policy on Humane Care and Use of Laboratory Animals.

SECTION 50-14. Planned Development Areas: Use and Dimensional Regulations. The dimensional regulations for PDAs are established by this section.

1. Use Regulations. A Proposed Project within a PDA is subject to the use regulations set forth in Table A of this article, except as the same may be modified in the Development Plan.
2. Dimensional Regulations. A Proposed Project within an established PDA shall comply with the Building Height and FAR standards set forth in Table 2 of this article. The Building Height and FAR for a Proposed Project shall not exceed the maximum Building Height and FAR standards stated in Table 2.

TABLE 2

**Roxbury Neighborhood District
Planned Development Areas
Dimensional Regulations**

	<u>Maximum Building Height/FAR Standards</u>
Blair Site	65'/2
Douglass Plaza	65'/3
Dudley Terminal	65'/2
Northeastern Garage	65'/3
Parcel 3	65'/3
Parcel 9	65'/3
Parcel 10	65'/3
Parcel 22	65'/3
Post Office	65'/2
Schoolboy Track	65'/3
Ruggles Center	225'/6

SECTION 50-15. Planned Development Areas: Standards for Development

Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing at which recommendations by the Roxbury Neighborhood Council or its successor organization, if any, shall be considered, provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of this section and Sections 50-12 through Section 50-17; (b) such Development Plan conforms to the Roxbury Neighborhood Plan and the general plan for the city as a whole; (b) each Proposed Project described in the Development Plan is in compliance with the Building Height and FAR standards set forth in Section 50-14, and (c) on balance, nothing in such Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed development of the area. A PDA may be established on the parcels listed in Table 1 if it meets the following requirements:

1. If the parcel area contains not less than one acre; and
2. A development plan for the PDA has been approved by the Boston Redevelopment Authority after a public hearing, at which recommendations by the Roxbury Neighborhood Council or any successor organization shall be considered; and
3. The Zoning Commission has approved the development plan for the PDA after a public hearing.

SECTION 50-13. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan as meeting the provisions of Section 50-15 if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of paragraph 1, below, of this section; or (b) the diversification and expansion of Boston's economy in new areas of economic activity, such as private investment in research and development of pharmaceutical and biomedical products in accordance with the provisions of paragraph 2, below, of this section.

1. **Development Plan Approval for the Creation of New Job Opportunities.** The Boston Redevelopment Authority may approve a Development Plan proposing

creation of new job opportunities if it determines that: (a) employment positions in businesses occupying the Proposed Project are newly created in Roxbury; (b) the Development Plan provides for entrepreneurial assistance measures, such as (i) information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the establishment of general financing options; or (c) the Development Plan provides for job opportunities to facilitate community access to jobs created by the Proposed Project.

2. **Development Plan Approval for Diversification and Expansion of Boston's Economy.** The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least thirty percent (30%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following: (a) research, development and production of pharmaceutical and biomedical products; (b) the design, development, fabricating, and testing of instruments for engineering, medical, dental, scientific, optical, or other similar professional use; or (c) other scientific Research and Development Uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b) and (c) above include, but are not limited to: office space occupied by private entities engaged in such uses, or occupied by governmental entities

center. While it still serves that function, there currently exist a number of smaller vacant parcels and opportunities for rehabilitation of existing structures to further expand opportunities for commercial and retail development in this center. In addition, much of the related retail and commercial activity that will be generated as a result of growth and development in the Greater Roxbury EDA. As a result, the Dudley Square EDA will serve to provide opportunities for neighborhood business development which can provide jobs and entrepreneurial opportunities to the Roxbury community.

SECTION 50-10. Use Regulations Applicable in EDAs. Within the Greater Roxbury EDA and the Dudley Square EDA of the Roxbury Neighborhood District, the uses, identified in Table A of the Article and described in greater detail in Article 2A, are allowed, conditional or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed), or subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-11. Dimensional Regulations Applicable in EDAs. Within the Greater Roxbury EDA, the maximum allowed Building Height is sixty-five (65) feet and the maximum allowed Floor Area Ratio is two (2). Within the Dudley Square EDA, the maximum allowed Building Height is fifty-five (55) feet and the maximum allowed Floor Area Ratio is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space is set forth in Table C of this article.

SECTION 50-12. Establishment of Area Within Which Planned Development Areas May be Permitted. Within the Greater Roxbury EDA and the Dudley Square EDA, Planned Development Areas ("PDAs"), are permitted on the following parcels:

TABLE 1

Parcels Upon Which PDA Development Is Permitted

<u>Location</u>	<u>Parcel</u>
Greater Roxbury EDA	Douglass Plaza Northeastern Garage Schoolboy Track Ruggles Center Parcel 3 Parcel 22
Dudley Square EDA	Blair Site Dudley Terminal Parcel 9 Parcel 10 Post Office

PDAs are not permitted elsewhere in the Roxbury Neighborhood District. The purposes for establishing these areas within which PDAs may be permitted are: to establish a more flexible zoning law and encourage private development on underutilized sites in the Roxbury Neighborhood District while ensuring quality design by providing planning and design controls; to encourage economic development and commercial expansion; and to provide connections for Roxbury to the downtown economy.

A development plan for a PDA shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed

SECTION 50-6. Prohibition of Planned Development Areas. Within the

Roxbury Neighborhood District, no planned development area shall be permitted, except as expressly provided for in Section 50-12.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 50-7. Establishment of Economic Development Areas. This section establishes two economic development areas ("EDAs") within Roxbury: the Greater Roxbury EDA and the Dudley Square EDA. These EDAs are established to encourage economic growth and commercial activity in a manner which is sensitive to the needs and interests of the community, and to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood. They are established to encourage the diversification and expansion of Boston and Roxbury's economy, the creation and retention of job opportunities, and the provision of additional economic benefits to the Roxbury Neighborhood District. The EDAs are located as designated on Map 6A Roxbury Neighborhood District.

SECTION 50-8. Greater Roxbury EDA. A focal point for economic development activity is the Greater Roxbury Economic Development Area ("EDA"), an area which has historically been referred to as the Southwest Corridor. This area has been the location of major development and economic activity in the past. Due to the central nature of the location and access to public transportation and major arteries, the Greater Roxbury EDA should be a location for major economic growth in the future. The Greater Roxbury EDA provides opportunities for significant economic development projects on publicly owned land which links Roxbury to the downtown economy.

SECTION 50-9. Dudley Square EDA. The establishment of the Dudley Square Economic Development Area ("EDA") recognizes the extent to which, historically, Dudley Square has served as a regional business and commercial

entitled "Map 6A Roxbury Neighborhood District" (supplemental to 'Map 6 Roxbury') of the series of maps entitled "Zoning Districts-City of Boston," as amended.

SECTION 50-5. Applicability. This article together with the rest of this Code constitute the zoning regulation for the Roxbury Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this article pursuant to Article 6A, is not available except to the extent expressly provided in this article or Article 6A. Application of the provisions of Article 27E to the Roxbury Neighborhood District is rescinded, and the Roxbury Interim Planning Overlay District is extinguished on the effective date of this article, except as provided below. Where conflicts exist between the provisions of this article and the remainder of the Code, the provisions of this article shall govern. Except where specifically indicated in this article, the provisions of this article supersede Article 13 and Article 8, and Articles 14 through 24 of this Code for the Roxbury Neighborhood District. The following Proposed Projects, however, are exempt from the provisions of this article, and are governed by the rest of this Code:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required, provided, that construction work under such building permit, or occupancy under such permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and

provided further that all construction work is completed within two years from the effective date of this article and in accordance with the building permit as in effect on said effective date.

2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.
3. Any Proposed Project or site for which application for approval of a development impact project plan, planned development area development plan, or planned development area master plan has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such development impact project plan, planned development area development plan or planned development area master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan, planned development area development plan, or planned development area master plan is thereafter modified or amended. Notwithstanding the foregoing, however, in order to encourage appropriate development in the Roxbury Neighborhood District and to further the goals and objectives set forth in Section 50-1 hereof, the provisions of Section 50-13 and 50-16 shall be applicable to any such Proposed Project or site.

DESIGN AND DEVELOPMENT REVIEW REQUIREMENTS

Section	Roxbury Neighborhood District Design and Development Review Requirements Design Guidelines for the Roxbury Neighborhood District Specific Design Requirements Roxbury Neighborhood District Screening and Buffering Requirements
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MISCELLANEOUS PROVISIONS

Section	Off-Street Parking and Loading Requirements Application of Dimensional Requirements Nonconformity as to Dimensional Requirements Regulations Severability Appendices
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SECTION 50-1. Statement of Purpose, Goals and Objectives. The purpose of this article is to establish the zoning regulations for the comprehensive plan for the Roxbury Neighborhood District as required by the provisions of the Roxbury Interim Planning Overlay District, Article 27E of this Code. The goals and objectives of this article and the Roxbury Neighborhood Plan are to provide for affordable and market rate housing for individuals and families; to promote and expand neighborhood educational and cultural facilities; to promote the viable neighborhood economy, and provide for new economies and expansion of job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Roxbury.

SECTION 50-2. Community Participation. This Article has been developed with the extensive participation of the Roxbury Neighborhood Council including the Planning and Zoning Advisory Committee. The role of community participation in determining appropriate land use regulations and zoning is critical

to the success of any zoning article or development plan. The Roxbury Neighborhood Council and its successor organization, if any, may continue to play an active role in land use planning and design review for Roxbury through advising City agencies on land use and design decisions for their neighborhood. In order to encourage community participation, the Boston Redevelopment Authority shall require that a Proposed Project be reviewed by the Roxbury Neighborhood Council if such Project: (a) is subject to design review by the Boston Redevelopment Authority pursuant to Section 50-37; (b) requires Zoning Relief, as defined in Article 2A; or (c) requires the disposition of publicly-owned land in accordance with the Roxbury Land Trust.

SECTION 50-3. Recognition of the Roxbury Neighborhood Plan. In accordance with Section 27E-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Roxbury Neighborhood District, the Commission hereby recognizes the Roxbury Neighborhood Plan as the general plan for the Roxbury Neighborhood District. The Roxbury Neighborhood Plan shall also serve as the portion of the general plan for the City of Boston applicable to the Roxbury Neighborhood District. This article is an integral part of and one of the means of implementing the Roxbury Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 50-4. Physical Boundaries. The provisions of this article are applicable only in the Roxbury Neighborhood District. The boundaries of the Roxbury Neighborhood District and its subdistricts are as shown on the map

Voter
DOCUMENT #5369
ADOPTED 12/13/90

**RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: JUDGMENT IN THE MATTER OF
BOSTON REDEVELOPMENT AUTHORITY V. ROXSE HOMES, INC.
AND ROXSE HOMES LIMITED PARTNERSHIP**

WHEREAS, Roxse Homes Limited Partnership has offered judgment against it in the case named and numbered Boston Redevelopment Authority v. Roxse Homes, Inc. and Roxse Homes Limited Partnership, Suffolk Superior Court No. 83544, as follows:

1. Determining that the transfer of the Roxse Homes premises from Roxse Homes, Inc. to Roxse Homes Limited Partnership required prior approval by the plaintiff and that the transfer without that approval violated G.L. c.121A, §11 and St. 1960, c.652, §13A; and
2. Ordering Roxse Homes Limited Partnership to convey the premises to Roxse Homes, Inc., with leave to utilize intermediate accommodation entities, provided that all conveyances occur virtually simultaneously.

WHEREAS, the offer of judgment has been accepted conditioned upon various contingencies, including the approval of the Boston Redevelopment Authority Board (hereinafter referred to as the "Authority"); and

WHEREAS, this judgment would constitute a vindication of the principle that the transfer of Roxse Homes required the approval of the Authority and was invalid without said approval; and

WHEREAS, the judgment offered would restore the project to its ownership prior to the illegal transfer; and

WHEREAS, the Authority must be assured that in accepting this judgment the project will be transferred to an entity which is capable of operating the project in light of the fact that Roxse Homes, Inc. has filed for bankruptcy under the provisions of c.11; and

WHEREAS, it has been and continues to be the policy of the Authority that Roxse Homes should be transferred to a resident-owned entity such as a limited equity cooperative, or other such entity; and

MEMORANDUM

DECEMBER 13, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PETER DREIER, DIRECTOR OF HOUSING
BRIAN DELOREY, DIRECTOR OF MIDTOWN CULTURAL DISTRICT

SUBJECT: REQUEST AUTHORIZATION TO ACCEPT AN OFFER OF JUDGMENT
OFFERED BY ROXSE HOMES LIMITED PARTNERSHIP IN THE
MATTER OF BOSTON REDEVELOPMENT AUTHORITY V. ROXSE
HOMES, INC. AND ROXSE HOMES LIMITED PARTNERSHIP.

EXECUTIVE

SUMMARY: THIS MEMORANDUM REQUESTS THAT THE BOSTON REDEVELOPMENT
AUTHORITY BOARD ACCEPT AN OFFER OF JUDGMENT IN THE
MATTER OF BOSTON REDEVELOPMENT AUTHORITY V. ROXSE
HOMES, INC. AND ROXSE HOMES LIMITED PARTNERSHIP. THIS
OFFER OF JUDGMENT WOULD VALIDATE THE BRA'S AUTHORITY TO
APPROVE AND REGULATE THE TRANSFER OF 121A PROPERTIES.
AS PART OF THE SETTLEMENT ROXSE HOMES LIMITED
PARTNERSHIP HAS AGREED TO TRANSFER THE PROPERTY TO
ROXSE HOMES INC., THE PRIOR OWNER. THIS TRANSFER WOULD
BE TEMPORARY IN NATURE AS WRITTEN COMMITMENT FROM ROXSE
HOMES INC. AND THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT HAS STATED THEIR MUTUAL ACCEPTANCE OF THE
ROXSE TENANTS AND BRA GOAL OF CONVERTING THE PROPERTY
TO A TENANT OWNED LIMITED EQUITY CO-OPERATIVE.

Roxse Homes, initially occupied in 1971, is a Lower Roxbury
housing development built with assistance from the United States
Department of Housing and Urban Development (HUD) under the
221(d)3 program. It consists of 364 apartments contained in 13
structures in a five block area between Tremont Street and
Shawmut Avenue. Twelve buildings are three-story, low rise
structures consisting of 37 addresses each with six units. The
remaining structure is an eight story, commercial/residential
high rise. The high-rise contains 142 units on the upper six
floors and commercial space on the two lower floors.

Originally owned and developed by Roxse Homes, Inc. (James
Cofield, Chairman), a purchase and sale was executed for the sale
of the property in 1984 to Roxse Homes Limited Partnership (a
California based limited partnership; Messrs. Schuman, Johnson
and Hartman). The property was transferred in 1986 and as a
discovery sanction in a lawsuit between Roxse Homes L.P. and
Roxse Homes Inc. it was discovered that BRA approval was never
sought nor granted as required by Mass G.L. 121A & 11 and St
1960, C,65 & 13A. In 1986, the BRA filed suit in Massachusetts

Superior Court to block and undo the improper transfer. The offer of judgement rendered by the Superior Court in November 1990, validates the principal of BRA authority in the matter of 121A transfers and further demonstrates the impropriety of the transfer by returning the property to the original ownership of Roxse Homes Inc.

However, in adopting this offer of judgement, the Authority would regard this reversion as temporary in nature as Roxse Homes, Inc. has filed for bankruptcy under Chapter 11 and approvals must have the assurance of an owner's capacity to operate this troubled property.

Serious structural flaws, coupled with inadequate management and maintenance have allowed the property to deteriorate to an unacceptable condition - forcing 34 units to be vacated. An enormous delinquent debt has accumulated amounting to approximately \$17 million. This debt consists of mortgage, 121A and utility obligations.

BRA staff working in co-operation with the Roxse Homes Tenant Council and HUD seeks to transfer the property to a tenant owned limited equity co-operative, viewing the transfer to Roxse Homes Inc. as an interim measure, and technical in nature. Written assurances from HUD, the mortgagee (Exhibit A) Roxse Homes, Inc. (Exhibit B) are submitted as evidence of this mutual goal. On October 25, 1990, the BRA Board authorized a \$15,000 grant for technical services connected with this effort and the proposed physical rehabilitation of the property. It is anticipated that a positive and timely outcome on Roxse Homes may serve as a model for other troubled HUD properties in Boston and nationally.

Negotiations between Authority staff, the Roxse Homes Tenant Council and HUD are expected to continue surrounding the extreme physical and financial needs of the project to ensure its long term viability and reverse two decades of mismanagement and deterioration.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority hereby adopts the Resolutions entitled "Resolutions of the Boston Redevelopment Authority Re: Judgment in the matter of Boston Redevelopment Authority v. Roxse Homes Inc. and Roxse Homes Limited Partnership" dated December 13, 1990 consisting of three pages and the BRA specifically adopts the Resolves set forth in the last two pages of said Resolution.

Attachments: BRA Resolutions
Exhibit A
Exhibit B

3. That the acceptance of the offer is based upon the written representations of Roxse Homes, Inc. that the project shall be transferred to a limited equity cooperative or other comparable entity;
4. That in accepting the offer of judgment the Authority is not recognizing the right of Roxse Homes, Inc. to own or manage the project, but only the transfer of title to this corporation for the express purpose of ultimate transfer of ownership to a resident owned limited equity cooperative or other comparable entity.

WHEREAS, the United States Department of Housing and Urban Development (hereinafter referred to as "HUD") has indicated to the Authority in writing its intention to seek to foreclose on the outstanding mortgage and to become mortgagee in possession (a copy of the letter is appended hereto as Exhibit A); and

WHEREAS, HUD has further indicated to the Authority in writing its intention to transfer the project to a limited equity cooperative or other comparable entity whose form shall be determined through discussions with the residents; and

WHEREAS, Roxse Homes, Inc. has indicated in writing to the Authority (copy of the letter is appended hereto as Exhibit B) its assent to the project's being transferred to a limited equity cooperative or other comparable entity, and has further agreed to cooperate with HUD and all other interested parties in achieving that aim;

WHEREAS, The Authority is aware of the fact that the project is suffering from substantial decay due, inter alia, to deferred maintenance and extensive structural defects, and there remain extensive code violations which have not been rectified, so that substantial financial resources are needed to restore the project and make it into a viable residential project, as originally envisioned by the report and decision for the project, and that HUD assistance to supply said resources is needed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the offer of judgment be accepted with the express understanding and based upon the written representations of HUD and Roxse Homes, Inc. that the project shall be transferred to the residents as soon as practicable as a limited equity cooperative or other comparable entity whose form will be determined through discussions between HUD and the residents, and that the transfer will be accomplished through a method to be determined by HUD and the residents;
2. That the acceptance of the offer is based upon the written representations of HUD that HUD shall exercise its rights as mortgagee as set forth in Exhibit A;

delete

**RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: JUDGMENT IN THE MATTER OF
BOSTON REDEVELOPMENT AUTHORITY V. ROXSE HOMES, INC.
AND ROXSE HOMES LIMITED PARTNERSHIP**

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1. Determining that the transfer of the Roxse Homes premises from Roxse Homes, Inc. to Roxse Homes Limited Partnership required prior approval by the plaintiff and that the transfer without that approval violated G.L. c.121A, §11 and St. 1960, c.652, §13A; and
2. Ordering Roxse Homes Limited Partnership to convey the premises to Roxse Homes, Inc., with leave to utilize intermediate accommodation entities, provided that all conveyances occur virtually simultaneously.

WHEREAS, that the Offer of judgment has been accepted conditioned upon various contingencies, including the approval of the Boston Redevelopment Authority Board (hereinafter referred to as the "Authority"); and

WHEREAS, this judgment would constitute a vindication of the principle that the transfer of Roxse Homes required the approval of the Authority and was invalid without said approval; and

WHEREAS, the judgment offered would restore the project to its ownership prior to the illegal transfer; and

WHEREAS, the Authority must be assured that in accepting this judgment the project will be transferred to an entity which is capable of operating the project in light of the fact that Roxse Homes, Inc. has filed for bankruptcy under the provisions of c.11; and

WHEREAS, it has been and continues to be the policy of the Authority that Roxse Homes should be transferred to a resident-owned entity such as a limited equity cooperative, or other such entity; and

WHEREAS, the United States Department of Housing and Urban Development (hereinafter referred to as "HUD") has indicated to the Authority in writing its intention to seek to foreclose on the outstanding mortgage and to become mortgagee in possession (a copy of the letter is appended hereto as Exhibit A); and

WHEREAS, HUD has further indicated to the Authority in writing its intention to transfer the project to a limited equity cooperative or other comparable entity whose form shall be determined through discussions with the residents; and

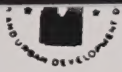
WHEREAS, Roxse Homes, Inc. has indicated in writing to the Authority (copy of the letter is appended hereto as Exhibit B) its assent to the project's being transferred to a limited equity cooperative or other comparable entity, and has further agreed to cooperate with HUD and all other interested parties in achieving that aim;

WHEREAS, The Authority is aware of the fact that the project is suffering from substantial decay due, inter alia, to deferred maintenance and extensive structural defects, and there remain extensive code violations which have not been rectified, so that substantial financial resources are needed to restore the project and make it into a viable residential project, as originally envisioned by the report and decision for the project, and that HUD assistance to supply said resources is needed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the offer of judgment be accepted with the express understanding and based upon the written representations of HUD and Roxse Homes, Inc. that the project shall be transferred to the residents as soon as practicable as a limited equity cooperative or other comparable entity whose form will be determined through discussions between HUD and the residents, and that the transfer will be accomplished through a method to be determined by HUD and the residents;
2. That the acceptance of the offer is based upon the written representations of HUD that HUD shall exercise its rights as mortgagee as set forth in Exhibit A;

3. That the acceptance of the offer is based upon the written representations of Roxse Homes, Inc. that the project shall be transferred to a limited equity cooperative or other comparable entity;
4. That in accepting the offer of settlement the Authority is not recognizing the right of Roxse Homes, Inc. to own or manage the project, but only the transfer of title to this corporation for the express purpose of ultimate transfer of ownership to a resident owned limited equity cooperative or other comparable entity.



and Urban Development
Boston Regional Office, Region I
Thomas P. O'Neill Jr. Federal Building
10 Causeway Street
Boston, MA 02222-1092

Exhibit "A"

December 5, 1990

Mr. Stephen Coyle
Director, Boston Redevelopment
Authority
Boston City Hall
One City Hall Plaza - 9th floor
Boston, MA 02201

RE: Roxse Homes, Roxbury, MA Project No: 023-55147

Dear Mr. Coyle:

Regarding the above referenced project, please be advised that the Department of Housing and Urban Development has committed to exercising its legal rights against the ownership entity of Roxse Homes which is in default of its legal and mortgage obligations to the federal government. Such legal steps would include but not be limited to the Mortgagee in Possession process, sanctions and foreclosure.

Further, it is a primary goal of this Department to assist resident organizations in securing ownership of their units in an appropriate structure and wherever possible. We will commit to working with the residents of Roxse Homes with the objective of converting the project to a limited equity cooperative or other comparable entity at such time as is practicable for the residents and the development.

Very sincerely yours,

David P. Forsberg
Regional Administrator--
Regional Housing Commissioner

ROXSE HOMES, INC.
P.O. Box 522
Brookline, MA 02147

December 6, 1990

Mr. Stephen Coyle, Director
Boston Redevelopment Authority
Boston City Hall
Boston, MA

Re: Conversion of Roxse Homes to Tenant Ownership
and
Boston Redevelopment Authority v. Roxse Homes Ltd.

Dear Mr. Coyle:

It is with great pleasure that I write to you on behalf of Roxse Homes, Inc. to support the conversion of Roxse Homes into a tenant-owned limited equity cooperative or comparable entity. Roxse Homes, Inc. believes that this is the best possible solution to the problems this project has had in recent years, and wholeheartedly pledges itself to the achievement of this solution.

In particular, Roxse Homes, Inc. has been informed that a settlement of the case between the Boston Redevelopment Authority (BRA) and Roxse Homes Limited Partnership (the Partnership) which includes Roxse Homes, Inc. as a nominal party, Boston Redevelopment Authority v. Roxse Homes, Ltd., Suffolk Superior Court Civil Action No. 83544, wherein the partnership would admit that the transfer to it of Roxse Homes required BRA approval which was not given, and the Partnership would return the project to Roxse Homes, Inc.

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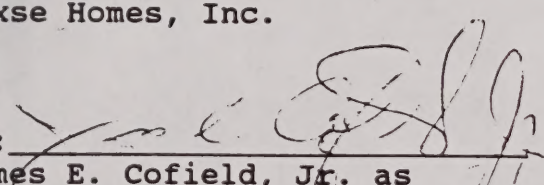
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Moreover, Roxse Homes, Inc. has been informed that the United States Department of Housing and Urban Development (HUD) which holds the mortgage on the property has committed itself to converting the project into a tenant-owned limited equity cooperative or comparable entity.

In order to facilitate the creation of a tenant-owned limited equity cooperative or comparable entity, Roxse, Inc. agrees that if the BRA accepts the proposed judgment and the property is reconveyed to Roxse, Inc., Roxse, Inc. shall cooperate fully with HUD and all other interested parties in converting the property to a tenant-owned entity. Roxse agrees to take all steps necessary to convey any interest it has in the project to the appropriate entity or entities to achieve this goal. Roxse, Inc. assumes that in this process HUD will forgive or otherwise extinguish the outstanding mortgage and fund the needed repairs at the project. This letter is submitted with the understanding that Roxse Homes, Inc. remains a viable Massachusetts corporation.

Roxse welcomes this opportunity to work with HUD and to BRA to the benefit of the residents of Roxse Homes.

Sincerely,
Roxse Homes, Inc.

by: 
James E. Cofield, Jr. as
Chairman of Roxse Homes, Inc.
and not individually